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December 22, 2016

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

Re: MURs 7169, 7170, 7171, 7172, 7173, 7174, 7175, 7176, 7177, 7178, 7179, 7182, 7187, and 7188

Dear Mr. Jordan:

In response to the complaints filed by the Foundation for Accountability and Civic Trust ("FACT" or the "Complainant"), we write as counsel to DCCC and Kelly Ward in her official capacity as treasurer in MURs 7169, 7170, 7171, 7172, 7173, 7174, 7175, 7176, 7178, 7179, 7182, 7187, and 7188 (collectively, the "Complaints"); Santarsiero for Congress and Lora Haggard, in her official capacity as treasurer, in MUR 7169; Ruben Kihuen for Congress and Jay Petterson, in his official capacity as treasurer, in MUR 7170; Nelson for Wisconsin and Dr. Beth Gillis, in her official capacity as treasurer, in MUR 7171; Colleen Deacon for Congress and Jennifer May, in her official capacity as treasurer, in MUR 7172; Applegate for Congress and Douglas Applegate, in his official capacity as treasurer, in MUR. 7173; Mowrer for Iowa and Dennis Skinner, in his official capacity as treasurer, in MUR 7174; Texans for Pete and Wayne Alexander, in his official capacity as treasurer, in MUR 7175; Suzanna Shkreli for Congress and Jennifer May, in her official capacity as treasurer, in MUR 7176; Carroll for Colorado and Mitchell S. Wright, in his official capacity as treasurer, in MUR 7177; Eggman for Congress and Jay Petterson, in his official capacity as treasurer, in MUR 7178; Stephanie Murphy for Congress and Jennifer May, in her official capacity as treasurer, in MUR 7179; Bryan Caforio for Congress and Gonzalo Freixes, in his official capacity as treasurer, in MUR 7182; Friends of Christina M. Hartman and Diane Toapkian, in her official capacity as treasurer, in MUR 7187; and LuAnn Bennett for Congress and Jennifer May, in her official capacity as treasurer, in MUR 7188 (collectively, "Respondents" and individually, each a "Respondent").

INTRODUCTION

These Complaints involve advertisements paid for by the DCCC that supported the election of the named Democratic congressional candidates, and that also opposed the

election, actions, or policies of Donald J. Trump, the Republican candidate for President. The Complaints present three legal issues, none of which is new or complicated: (1) whether the DCCC properly attributed the costs of the advertisements among the multiple candidates appearing in them according to 11 C.F.R. § 106.1(a); (2) whether the DCCC correctly accounted for the portion of the expenses attributed to Donald Trump; and (3) whether the DCCC and the congressional campaigns refrained from coordinating the ads with Hillary for America ("HFA"), so that none of their costs would represent in-kind contributions to HFA.

Because the answer to each of these questions is yes, there is no reason to believe Respondents violated the Federal Election Campaign Act of 1971, as amended (the "Act") or the regulations of the Federal Election Commission (the "FEC" or "Commission"):

First, the DCCC followed the process mandated by Commission regulations and long-standing Commission authority and attributed the cost of the advertisements among the multiple candidates appearing in them on a time-space basis, "according to the benefit reasonably expected to be derived."¹ The Complaints ignore clear Commission authority requiring attribution among multiple candidates in this case of advertisements like these and present no facts to show that any attribution was done incorrectly. Instead, relying solely on one inaccurate news article, they simply assume that the advertisements were misattributed under the concept of "hybrid advertising" based on a generic party reference, which was not the case.² These advertisements simply present a text book example of appropriately attributing expenditures under 11 C.F.R. § 106.1(a).

Second, the facts show that the DCCC correctly accounted for and reported the expenses attributable to Donald Trump. Some of the advertisements expressly advocated Trump's defeat, while others did not. The first were reported as independent expenditures, while the second were not, according to the Act and Commission regulations.³

Moreover, as a national party committee, the DCCC had an interest both in urging Donald Trump's defeat and criticizing his policies, above and beyond its central mission of supporting House candidates. Donald Trump was at the top of the ticket and the face of the Republican Party. He advocated policies and took actions strongly opposed by Democratic Party adherents. By expressly advocating Donald Trump's defeat, and by criticizing policy positions he espoused, that were strongly identified with him in the public mind, the DCCC alternatively promoted his defeat and mobilized Democratic opposition to his policies, the latter of which also helped support the ticket as a whole.

Third, none of the advertisements at issue was coordinated with HFA. In fact, the DCCC and campaigns took specific steps to avoid coordination with HFA. The Complaints present no facts to support any claim of coordination, but simply assume that it must have

¹ 11 C.F.R. § 106.1(a)(1).

² See Scott Bland, Dems use loophole to pump millions into fight for the House, Politico, Oct. 18, 2016, <u>http://www.politico.com/story/2016/10/democrats-house-campaign-moncy-229957</u>.

³ See 11 C.F.R. § 100.16(a) (linking definition of "independent expenditure" to express advocacy).

occurred because a party committee was involved in the advertisements—a presumption that the Supreme Court struck down long ago.⁴

The only factor that makes the resolution of these matters in any way complicated is the Complainant itself. As it has done before, FACT has flooded the Commission with fourteen complaints involving a wide array of respondents, in a clear effort to drain Respondents' resources and burden the Commission, with the ultimate effect of chilling speech and impeding the progress of other, non-frivolous enforcement matters.⁵ FACT relied on a single news article to "support" its conclusory allegations and focused the entire Complaints on generic party hybrid advertising that never occurred. The Complaints even carelessly swept up two ads that were attributed entirely to the relevant House campaigns and paid for completely with campaign funds and with coordinated party expenditure authority.

The Respondents complied with longstanding Commission regulations to support and oppose multiple candidates and promote the party as a whole. Because the costs were correctly attributed among multiple candidates, because the ads were correctly reported, and because there was no prohibited coordination with HFA, there is no reason to believe that any violation occurred, and the FEC should immediately dismiss these Complaints.

FACTS

The DCCC is the House campaign committee of the Democratic Party.⁶ Its principal mission is to support Democratic congressional candidates and other candidates around the country. In 2016, as before, a key part of the DCCC's activities involved financing television advertisements. Under Commission rules, the legal treatment of these advertisements varies by content—for example, whether they identify clearly identified candidates and, if so, how many; whether they expressly advocate the candidates' election or defeat; and whether they are coordinated with those candidates. The DCCC has had a long history of not simply making coordinated expenditures in support of House campaigns, but using communications to promote the interests of the Democratic Party as a whole.⁷

The presidential candidacy of Donald Trump provided the DCCC with a unique opportunity to promote Democratic House candidates, oppose Trump's election, and mobilize the Democratic Party against Trump's positions for the benefit of the whole ticket. Trump was a major issue in House campaigns, his defeat was a vital concern for Democratic adherents, and fighting back against his policy positions and actions was important to the party as a whole. The DCCC saw the opportunity to pursue all three of these objectives.

⁴ See Colorado Republican Fed. Campaign Comm. v. FEC, 518 U.S. 604, 614-15 (1996) (invalidating prohibition on party independent expenditures); *McConnell v. FEC*, 540 U.S. 93, 214 (2003), overruled in part on other grounds by Citizens United v. FEC, 558 U.S. 310 (2010) (invalidating requirement that party choose between making independent or coordinated expenditures).

⁵ See FEC MUR 6916, First General Counsel's Report (Oct. 22, 2015).

⁶ See, e.g., 11 C.F.R. § 110.2(c)(2)(ii).

⁷ See, e.g., FEC Advisory Opinion 1985-14 (DCCC).

These Complaints are about advertisements that the DCCC undertook in service of these multiple objectives. Supervised by a senior DCCC employee, DCCC staff worked with House campaigns to develop and produce the advertisements beginning with script development through the advertising buying phase.⁸ Each of the advertisements involved explicit references to clearly identified House candidates and a clearly identified discussion of Donald Trump and were accounted for according to the following model:

- Some of the advertisements expressly advocated the defeat of both the Republican House candidate and Trump. (e.g., "Vote No on [Republican congressional candidate] and Donald Trump"). In these cases, the DCCC paid for and reported the portion of the advertisement attributable to Trump as an independent expenditure opposing him. The remainder was either paid entirely by the Democratic congressional campaign, or split between the campaign and the DCCC, with the DCCC treating its share of the remainder as a coordinated expenditure.⁹ Advertisements that included express advocacy against Donald Trump are discussed in MURs 7169, 7170, 7171, 7174, 7176, and 7182.¹⁰
- Other ads mentioned both House candidates and Donald Trump, but did not expressly advocate Trump's defeat. Rather, these ads focused on Trump's positions on key issues like national security, immigration, women's health, or gun control and his actions causing unrest and harm to the country. In these cases, the portion of the advertisements that concerned congressional candidates was either paid in whole by the Democratic House campaign, or split between the campaign and the DCCC using funds available under the coordinated party expenditure limits.¹¹ The remainder was paid for by the DCCC and reported as an operating expense. The ads that did not expressly advocate Trump's defeat are discussed in MURs 7172, 7175, 7177, 7178, 7179, and 7188.¹²

In all of these advertisements, the DCCC attributed the relevant expenses between the referenced candidates—i.e., the House candidate and Donald Trump—on a time/space basis,

³ See Exhibit A (affidavit of Michael Ian Russell)..

⁹ See Exhibit B (relevant pages of FEC reports).

¹⁰ The advertisement in MUR 7169 can be found here: <u>https://www.youtube.com/watch?v=7mb2DsowG00</u>. The advertisement in MUR 7170 can be found here: <u>https://www.youtube.com/watch?v=ulkmwN7ivMU</u>. The advertisement in MUR 7171 can be found here: <u>https://www.youtube.com/watch?v=LS-gU95vm9U</u>. The advertisement in MUR 7174 can be found here: <u>https://www.youtube.com/watch?v=g_4kBjw8r-U</u>. The advertisement in MUR 7176 can be found here: <u>https://www.youtube.com/watch?v=g_4kBjw8r-U</u>. The advertisement in MUR 7176 can be found here: <u>https://www.youtube.com/watch?v=g_4kBjw8r-U</u>. The advertisement in MUR 7176 can be found here: <u>https://www.youtube.com/watch?v=g_4kBjw8r-U</u>. The advertisement in MUR 7182 can be found here:

https://www.youtube.com/watch?v=i18196BhvWg&feature=youtu.be.

¹¹ See Exhibit B.

¹² The advertisement in MUR 7172 can be found here: <u>https://www.youtubc.com/watch?v=nwdljKSaFdQ</u>. The advertisement in MUR 7175 can be found here: <u>https://www.youtubc.com/watch?v=GJCZwJ3tYXw</u>. The advertisement in MUR 7177 can be found here:

https://www.youtube.com/watch?v=7KxcnucjChU&feature=youtu.be. The advertisement in MUR 7178 can be found here: https://www.youtube.com/watch?v=HIxNUxf-t80. The advertisement in MUR 7179 can be found here: https://www.youtube.com/watch?v=OpdllznhrF4. The advertisement in MUR 7188 can be found here: https://www.youtube.com/watch?v=epfwW3WyQWo. For the advertisement in MUR 7177, the Colorado Democratic Party similarly split the costs of the advertisement with Carroll for Colorado on a time/space basis.

determining the portion of each ad that related to each candidate and allocating accordingly. As mentioned above, two of the Complaints involved ads that were paid for entirely with campaign funds, and with DCCC funds used under the coordinated party expenditure limit.¹³

All of the advertisements discussed in the Complaints were conceived and executed by the DCCC independently of HFA or its agents.¹⁴ Because the ads would refer to Trump, the staff and campaigns were instructed not to coordinate them with HFA or its agents.¹⁵ The Complaints make no specific allegation of coordination whatsoever, and the declarations accompanying this response demonstrate the absence of any request, suggestion, assent, substantial discussion or material involvement.¹⁶ The declarations demonstrate also that there was no coordination through any common vendor, former employee or independent contractor.¹⁷

LEGAL ANALYSIS

I. The Costs of the Advertisements Were Properly Attributed Among Multiple Candidates According to the Benefit Reasonably Expected to Be Derived

Commission rules clearly provide for attribution among multiple **A**. candidates.

11 C.F.R. § 106.1(a) provides that "expenditures, including in-kind contributions, independent expenditures, and coordinated expenditures made on behalf of more than one clearly identified Federal candidate shall be attributed to each such candidate according to the benefit reasonably expected to be derived."¹⁸ For a television ad, the regulation is explicit about how to make this attribution: it "shall be determined by the proportion of space or time devoted to each candidate as compared to the total space or time devoted to all candidates."¹⁹ The Commission has repeatedly and consistently applied this regulation when evaluating communications that refer to multiple candidates.²⁰ For example, when an advertisement identifies candidates in multiple races, the expenditure is attributed based on the time/space dedicated to each race (e.g., the time dedicated to advocating a congressional candidate and her opponent would be attributed separately from the time spent advocating for a presidential candidate).²¹ The portions of the broadcast communication that is dedicated to the legally

¹³ The advertisement in MUR 7173 can be found here: <u>https://www.youtube.com/watch?v=Rrii1jNAe-I</u>. The advertisement in MUR 7187 can be found here: https://www.youtube.com/watch?v=8DNQEgLEECA. See Exhibit B. ¹⁴ See Exhibit A. ¹⁵ Id.

¹⁶ Id.; see also Exhibit C (affidavit of media vendors).

¹⁷ The vast majority of vendors working on the ads at issue in these matters did not work for HFA. Two vendors who did work on two different advertisements also did work for HFA but did not use any non-public information about HFA's plans, projects, activities, or needs in working on the advertisement. See Exhibit C. ¹⁸ 11 C.F.R. § 106.1(a).

¹⁹ Id.

²⁰ See FEC Adv. Op. 2010-10 (NRL PAC); FEC Adv. Op. 2004-37 (Waters) ("attribution shall be determined by the proportion of space devoted to each candidate") (citing 11 C.F.R. § 106.1(a)(1)). ²¹ FEC Adv. Op. 2010-10 (NRL PAC).

required disclaimer and "stand by your ad" messages do not count for either candidate, but rather are split proportionately to the rest of the communication's content.²²

In attributing the cost of a communication among multiple candidates, the Commission does not look to whether or not the segment associated with a particular candidate contains express advocacy. For example, in Advisory Opinion 2004-01, issued to Bush-Chency '04, Inc. and Alice Forgy Kerr for Congress, the Commission understood that the ad would "not mention or refer to the President's candidacy for re-election [or] expressly advocate the election nor defeat of any presidential candidate."23 Still, the Commission confirmed that the costs of the communication must be attributed between the two campaigns based on the proportion of space or time devoted to each candidate under 11 C.F.R. § 106.1(a), even though the ad expressly advocated one candidate's election and not the other's.²⁴ Similarly, in Advisory Opinion 2010-10, the Commission held that when a broadcast communication expressly advocated the election of one candidate, referred to an opposing candidate without expressly advocating defeat, and expressly advocated the election of a third candidate in an altogether different race, the references to the opposing candidate would be attributed to the first candidate under 11 C.F.R. § 106.1(a).25

The Commission has applied section 106.1's attribution principles even when only one candidate is referenced but the ad concerned multiple purposes. For example, in Advisory Opinion 2004-29, the Commission allowed Representative Todd Akin to appear in an ad supporting a ballot issue committee, but advised his campaign only to "reimburse the sponsor of the advertisement for the attributable portion of the cost of these coordinated communications," despite the fact that no candidate besides Akin would appear in the ad.²⁶ And in Advisory Opinion 2006-11, the Commission considered a state party mailing that would expressly advocate for a federal candidate and for other generically referenced candidates of the party committee.²⁷ The Commission held that, while no less than 50% of the costs could reasonably be attributed to the one identified candidate, "it is appropriate to apply analogous 'space or time' principles set out in 11 C.F.R. 106.1(a)" and that "the benefit reasonably expected to be derived' by the clearly identified candidate should be

²² Specifically, the Commission has advised that the disclaimer component of the communication should be attributed among the candidates or purposes "in the same proportion as the time or space" devoted to each race or purpose. FEC Adv. Op. 2010-10 (NRL PAC) at 6; see also FEC Adv. Op. 2007-09 (Kerry-Edwards) (permitting disclaimer to be attributed among multiple purposes). For instance, in NRL PAC, the FEC stated that, where 16 seconds of a 30-second advertisement are devoted to advocating for a presidential candidate, 8 seconds are devoted to advocating against a Senate candidate, and 6 seconds are devoted to a disclaimer, two-thirds of the expenditure should be reported as having been made in support of the presidential candidate and one-third should be reported as having been made in opposition to the Senate candidate. FEC Adv. Op. 2010-10 at 6 n.7. In Kerry-Edwards, the Commission found that the portion of broadcasting costs incurred by the Kerry-Edwards Campaign in complying with disclaimer requirements were expenses that may be paid for with legal funds. See FEC Adv. Op. 2007-09. 23 FEC Adv. Op. 2004-01 (Bush/Kerr).

²⁴ Id. at 6. The Commission has since adopted a specific exemption from the coordination rules that vitiates the general attribution rule in the case of certain "endorsement" ads. See 11 C.F.R.§ 109.21(g). However, that exception is not at issue in these matters. ²⁵ FEC Adv. Op. 2010-10 (NRL PAC).

²⁶ FEC Adv. Op. 2004-29 (Akin) at 6.

²⁷ FEC Adv. Op. 2006-11 (Washington Democratic State Central Committee).

measured by determining the amount of space devoted to the clearly identified candidate as compared to the amount of space devoted to the generically referenced party candidates."²⁸

Although the ads aired by Respondents are not so-called "hybrid" ads like those in Advisory Opinion 2006-11, the Commission has nonetheless found that ads that concern candidates, issues, and the party generally are allocated just like ads that concern multiple candidates. The Act "generally permit[s] (and in some cases require[s]) the allocation of expenses attributable to more than one purpose" and "allocation is an appropriate way to fund activities with multiple purposes" as held over and over by the Commission.²⁹ These ads that— in each case—referred to two candidates in two different elections, sometimes expressly advocating Trump's defeat and sometimes opposing his policy positions, were allocated in accordance with these longstanding Commission interpretations.

B. Respondents attributed the advertisements correctly.

The advertisements in MURs 7169, 7170, 7171, 7172, 7174, 7175, 7176, 7177, 7178, 7179, 7182, and 7188 were all correctly attributed among the Democratic House candidates and Donald Trump, just as 11 C.F.R. § 106.1(a) and Commission authority contemplate. The plain language of 11 C.F.R. § 106.1(a) requires that when an expenditure for a broadcast communication clearly identifies more than one Federal candidate, the costs shall be attributed as determined by "the proportion of space or time devoted to each candidate as compared to the total space or time devoted to all candidates." The FEC has additionally confirmed that when an advertisement mentions two opponents running for the same office and a third candidate for a different office, the costs are "allocated among the electoral races, based on a time or space analysis."³⁰ This is how Respondents attributed the costs of these advertisements in this case.

All of the ads at issue referred to clearly identified House candidates and Donald Trump, a clearly identified presidential candidate running. The portions of the ads that were spent discussing the House candidates were attributed to the Democratic House candidate. Conversely, the portions of the ads that were spent discussing Trump were attributed to Trump. If a portion of an ad concerned both the House candidate and Trump, that period of time was attributed between the two races on a reasonable basis. The portion of each ad that was spent displaying the written, visual, and spoken disclaimer as mandated by law was allocated between the two races "in the same proportion as the time or space" devoted to each race in the other portions of the ad, just as the Commission instructed in Advisory Opinion 2010-10.

²⁸ Id. at 4.

 ²⁹ See FEC Adv. Op. 2010-14 (DSCC) (approving allocation of expense between campaign and recount activities); see also FEC Adv. Op. 1988-06 (Gore for President) (holding that "expenditures within the purview of the Act may be made for multiple purposes [and] the Commission believes that expenditures to run an advertisement which includes a fundraising solicitation may be allocated on a 'reasonable basis'''); First General Counsel's Report at 22, FEC Matter Under Review 4131(holding that multi-purpose mailers that include express advocacy of candidates and a solicitation for contributions to a state PAC should be allocated between the mixed purposes).
 ³⁰ FEC Adv. Op. 2010-10 (NRL PAC).

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Take, for example, the advertisement sponsored by the DCCC and Mowrer for Iowa at issue in MUR 7174.³¹ The advertisement contains express advocacy against Representative David Young and Donald Trump. The advertisement criticizes the positions of both Trump and Young and ends by saying, "Vote No on Donald Trump and David Young." The ad starts with approximately 5 seconds concerning Donald Trump and is followed by 4 seconds attributable to the House race, 5 seconds attributable to Trump, 4 seconds attributable to the House race, 3 seconds attributable to Trump, 5 seconds attributable to the House race, and finally 4 seconds containing the legally required disclaimer. The first 26 seconds of the advertisement were equally divided between the congressional race and Donald Trump and the portion of the advertisement spent dedicated to the disclaimer was split on the same proportion. The advertisement was attributed 50% to the Mowrer campaign and 50% to Donald Trump.

Consider also the ad sponsored by the DCCC and Colleen Deacon for Congress at issue in MUR 7172.³² The ad critiques the positions of both Rep. John Katko and Donald Trump, but does not expressly advocate Trump's defeat. The ad starts with approximately 4 seconds equally attributable to both the House race and Trump and is followed by 2.5 seconds attributable to Trump, 3.5 seconds attributable to the House race, 8 seconds attributable to Trump, 7 seconds attributable to the House race, 3 seconds equally attributable to both the House race and Seconds dedicated to the disclaimer. The first 28 seconds of the advertisement were equally divided between the House race and Trump, the portion of the advertisement spent dedicated to the disclaimer was split on the same proportion, and so the advertisement was attributed 50% to the Deacon campaign and 50% to Trump. The same methodology was used to attribute the ads generally, and the Complaints provide no basis to question Respondents' attribution.

C. The expenses attributed to the House candidates were correctly reported.

The portion of the ads attributable to the House candidates were paid for and reported as required by the Act and Commission regulations. In almost every case, and as reported to the Commission, the relevant Democratic House campaign directly paid the relevant media vendor for its attributable portion of the costs. In two cases— the ad sponsored by the DCCC and Nelson for Wisconsin in MUR 7171, and the ad sponsored by the DCCC and Shkreli for Congress in MUR 7176—the DCCC paid for some of the portion of the expenses that were attributable to the House campaign as a coordinated expenditure. For the Nelson campaign, the DCCC paid \$33,700 of the costs attributable to the campaign, and for the Shkreli ad, the DCCC paid \$52,960. These payments were well within the DCCC's coordinated party expenditure limits for each race and were reported to the Commission.³³ The Commission has repeatedly held that when a federal campaign pays for the portion of an advertisement

³¹ Jim Mowrer, Now We Understand, YouTube (Oct. 19, 2016), https://www.youtube.com/watch?v=g_4kBjw8r-U.

³² Colleen Deacon, Unsettled, YouTube (Oct. 8, 2016), https://www.youtube.com/watch?v=Ch4ToJp3Br0.

³³ See Exhibit B.

that is attributable to the relevant candidate under 11 C.F.R. § 106.1(a), no contribution results from the payment of the remaining portion of the expenses for the advertising.³⁴

Contrary to FACT's speculative and unfounded allegations, the DCCC did not make any excessive contributions to any of the House campaigns, because the expenses attributable to those campaigns were either paid for by the campaigns themselves, or by the DCCC under its coordinated expenditure authority.

Two of the communications at issue were paid for entirely by the House D. campaigns and the DCCC as coordinated party expenditures.

For reasons known only to FACT, that organization filed two complaints regarding ads paid for entirely by the relevant Democratic House campaign and under the DCCC's coordinated party expenditure authority. Given the way that they were funded, these expenditures for these ads cannot possibly amount to excessive contributions from the DCCC to the House campaign. MUR 7173 concerns an ad sponsored by the DCCC and Applegate for Congress. The DCCC spent a total of \$91,200 to assist in the airing of this ad and Applegate for Congress paid for all other expenses associated with its creation and airing. The funds spent by the DCCC toward the ad were treated as coordinated party expenditures and reported accordingly.³⁵

Similarly, MUR 7187 concerns an advertisement sponsored by the DCCC and Friends of Christina M. Hartman. The DCCC spent a total of \$96,070 to assist in the airing of this ad and Friends of Christina M. Hartman paid for all other expenses associated with its creation and airing. The funds spent by the DCCC toward this ad were treated as coordinated party expenditures and reported accordingly.³⁶

Thus, in MURs 7173 and 7187, not even the question of attribution was present. At no point was there any basis for FACT to allege any violation of the limits as to the House campaigns.

II. The Portions of the Ads Attributable to Donald Trump Were Correctly Reported

Except in MUR 7177, the portions of the ads referenced by the Complaints and attributable to Donald Trump were paid for by the DCCC. In MUR 7177, the portion of the ad attributable to Trump was paid for by the Colorado Democratic Party. In each case, the party committee either filed the necessary independent expenditure report as to Trump or

¹⁴ See FEC Adv. Op. 2004-37 (Waters) at 2 (holing that payment for a "brochure would not constitute support of, or be an in-kind contribution to, the Federal candidates listed in the brochure, provided that the Federal candidates provide reimbursements in the appropriate amount in a timely manner"); FEC Adv. Op. 2004-01 (Bush/Kerr) at 6 (holding that "if the Bush-Cheney Committee reimburses the Kerr Committee for its attributable share of the expenses, there is no contribution"); FEC Adv. Op. 2004-29 (Akin). ³⁵ See Exhibit B. ³⁶ Id.

reported the attributable portion of the ad as operating expenditures, depending on whether the ad contained express advocacy.

To be an independent expenditure, a communication must include "express advocacy" for or against a "clearly identified" candidate.³⁷ However, although all of the relevant ads "clearly identified" Trump under 11 C.F.R. § 100.17, only the ads at issue in MURs 7169, 7170, 7171, 7174, 7176, and 7182 included "express advocacy" against him.³⁸ In these latter cases, the DCCC reported the portions of the ads attributable to Trump as independent expenditures opposing him.³⁹

The ads in MURs 7172, 7175, 7177, 7178, 7179, and 7188 did not expressly advocate Trump's defeat. Accordingly, the portions of these ads' costs that were attributable to Trump were reported by the party as operating expenditures and not as independent expenditures. The definition of "express advocacy" is clearly set forth in the Commission's regulations, and when a communication does not meet this definition, the Commission has repeatedly held that the communication does not constitute an independent expenditure.⁴⁰

A communication expressly advocates if it: uses phrases such as "vote for the President," "Smith for Congress," or "Bill McKay in '94," or uses campaign slogans or individual words, which in context "can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates," such as a message saying "Nixon's the One," or "Carter '76," or when taken as a whole and with limited reference to external events, "could only be interpreted by a reasonable person as containing advocacy of the election or defeat" of a candidate because the "electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning" such that reasonable minds "could not differ as to whether it encourages actions to elect or defeat" the candidate.41 A message constitutes express advocacy "only if it contains a clear call to a specific electoral

https://www.youtube.com/watch?v=i18196BhvWg&feature=youtu.be.

³⁷ 11 C.F.R. § 100.16.

³⁸ Dangerous for PA Women, YouTube (Oct. 20, 2016) at :20 ("Say No To Donald Trump & Brian Fitzpatrick"), https://www.youtube.com/watch?v=7mb2DsovvG00; Ruben Kihuen for Congress, Our Values, YouTube (Oct. 18, 2016) at :23 ("Vote NO on Cresent Hardy and Donald Trump"),

https://www.youtube.com/watch?v=ulkmwN7ivMU; Nelson for Wisconsin, No, YouTube (Oct. 10, 2016) at :25 ("Mike Gallagher says we still have to support Donald Trump. No, we don't, we don't have to support Mike Gallagher either"), https://www.youtube.com/watch?v=LS-gU95vm9U; Jim Mowrer, Now We Understand, YouTube (Oct. 19, 2016) at :28 ("Vote No on Donald Trump and David Young"),

https://www.youtube.com/watch?v=g_4kBjw8r-U; Suzanna Shkreli for Congress, Brags, YouTube (Oct. 14, 2016) at :22 ("Vote No on Donald Trump and Mike Bishop"), https://www.youtube.com/watch?v=WCx3ObETyrE; Bryan Caforio for Congress, Stand Up, YouTube (Oct. 12, 2016) at :27 ("Vote No on Trump"),

³⁹ See Exhibit D (excerpts from relevant independent expenditure reports). There would have been no basis to consider the portions of the advertisements attributable to Trump as coordinated communications with the House campaigns. See Coordinated and Independent Expenditures, 68 Fcd. Reg. 421, 431 (Jan. 3, 2003) (conduct standard cannot "he satisfied without some link between the request or suggestion and the candidate or political party who is, or that is, clearly identified in the communication"). ⁴⁰ See, e.g., FEC Adv. Op. 1985-14 (DCCC).

⁴¹ 11 C.F.R. § 100.22.

action.³² Even according to the Ninth Circuit, which has taken a very expansive approach to defining express advocacy:

Speech cannot be "express advocacy of the election or defeat of a clearly identified candidate" when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action. We emphasize that if any reasonable alternative reading of speech can be suggested, it cannot be express advocacy subject to the Act's disclosure requirements.⁴³

Even by this broad standard, the advertisements at issue in MURs 7172, 7175, 7177, 7178, 7179, and 7188 did not include any words of express advocacy regarding Trump. In each case, a reasonable alternative reading exists for the communication as it pertains to Trump, insofar as they criticize his policy positions and their negative effects.

Several of the advertisements discuss Republican congressional candidates "support" for Donald Trump's positions. For example, in the advertisement at issue in MUR 7172 the script is as follows:

VOICE OVER: In an unsettled world, John Katko and Donald Trump's approach takes us down a dangerous path. [Showing footage of global unrest].

TRUMP: "I love war in a certain way."

VOICE OVER: But when asked about supporting Trump, Katko said ...

KATKO: "I absolutely will support."

TRUMP: "Tell them to go f--- themselves."

VOICE OVER: When national security leaders condemn Trump's reckless statements on foreign policy...

INTERVIEWER: "People are wondering how those things can happen and you not flat out denounce it?"

KATKO: "I'm more concerned about my race."

VOICE OVER: Not about the safety of our families. Trump and Katko put our national security at risk.

[DISCLAIMER].44

⁴² Statement of Reasons of Vice Chairman Petersen and Commissioners Hunter and McGahn at 4, Matter Under Review 6113 (Dec. 18, 2009).

⁴³ FEC v. Furgutch, 807 F.2d 857, 864 (9th Cir. 1987).

⁴⁴ Colleen Deacon, Unsettled, YouTube (Oct. 8, 2016), <u>https://www.youtube.com/watch?v=Ch4ToJp3Br0</u>.

However, the word "support" in this context cannot only be interpreted as a call to vote against Donald Trump. Rather, it is intended to critique Donald Trump's desire for war, dangerous foreign policy "approach," and other previous actions and policy positions and Representative Katko's support of Trump despite these positions. This advertisement concludes with the statement that "Trump and Katko put our national security at risk." The advertisement does not say that viewers should vote against Donald Trump for President but refers to the contemporaneous actions of both Representative Katko and Donald Trump that are adverse to the United States' national security interests.

Similarly, consider the advertisement at issue in MUR 7175. The script of advertisement is as follows:

TRUMP: We're going to build a wall.

VOICE OVER: Donald Trump is tearing us apart. [SHOWING CURRENT NATIONAL UNREST]. Trump called a judge unqualified because of his Mexican heritage.

TRUMP: He's a Mexican. We're building a wall between here and Mexico.

VOICE OVER: And called Mexicans rapists and murderers. Donald Trump. Too dangerous for us. But Will Hurd says he could still support Donald Trump. And Will Hurd shares the same bad ideas.

WILL HURD: A wall absolutely makes sense.

VOICE OVER: Will Hurd. He's the wrong choice for Texas families.

[DISCLAIMER].45

This advertisement refers to several statements and policy positions of Donald Trump and observes the contemporaneous effects: his positions and actions are "tearing us apart" at this time. The advertisement does not include a call to defeat Donald Trump in the presidential election, but it does include a call to defeat Representative Hurd: it says that he is the "wrong choice for Texas families" because of his support of Donald Trump's positions. Citing Representative Hurd's support for Donald Trump as a reason to defeat Representative Hurd is not express advocacy with regard to Donald Trump. There is no portion of the advertisement does not contain express advocacy against Donald Trump as defined at 11 C.F.R. § 100.22. As there is no "express advocacy" or "clear call to a specific electoral action" with regard to Donald Trump in any of the advertisements discussed in MURs 7172, 7175, 7177, 7178, 7179, and 7188, no portion of any of these advertisements should have been reported as independent expenditures opposing Donald Trump.

⁴⁵ Wrong Choice for TX Families, YouTube (Oct. 4, 2015), <u>https://www.youtube.com/watch?v=GJCZwJ3tYXw</u>.

Because the portion of the advertisements discussed in MURs 7172, 7175, 7177, 7178, 7179, and 7188 attributable to Donald Trump did not contain express advocacy opposing Trump, they were properly reported by the DCCC and Colorado Democratic Party as operating expenditures. The Commission's regulations and previous decisions are clear: if a party committee airs a communication that does not constitute an independent expenditure or party coordinated communication, the expenses associated with the advertisements, or relevant portions thereof are operating expenditures.⁴⁶

111. The Complaint Presents No Genuine Allegation of Coordination with HFA, and The Facts Demonstrate That None Occurred

None of the relevant advertisements was coordinated with HFA. There was no coordination between the Respondents on the one hand, and HFA on the other, regarding any of the advertisements cited by the Complaints. None of the Complaints alleges any specific facts that could even be taken to suggest coordination.⁴⁷

Instead, the Complaints make the conclusory allegation that the advertisements were coordinated with HFA. However, such pure speculation cannot support a finding of a reason to believe. The Commission may find "reason to believe" only if a Complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act.⁴⁸ For claims of coordination, the Commission requires an even stronger showing: that Complainant provide "probative information of coordination."⁴⁹ The Commission has also made clear that "unwarranted legal conclusions [drawn] from asserted facts" or "mere speculation" are *not* sufficient to find reason to believe that Respondents violated the Act through impermissible coordination.⁵⁰ Because the Complaints rely exclusively on pure speculation and unwarranted legal conclusions for their coordination claims, there is no reason to believe any coordination occurred.

The Commission also must consider whether Respondents have provided "sufficiently compelling evidence" to refute the Complaints' claims. In this case, the declarations accompanying this response provide strong, probative evidence of the absence of coordination between Respondents and HFA on these ads.⁵¹ The declaration of Michael Ian Russell, the DCCC's Deputy Executive Director and Political Director, is especially important.⁵² Mr. Russell makes clear that he supervised the communications campaign at issue in these Complaints; that it did not involve any request, suggestion or assent from HFA; that he instructed those participating in the program to refrain from any

⁵² See Exhibit A.

 ⁴⁶ FEC Adv. Op. 1985-14 (DCCC) ("DCCC may report these expenditures as operating expenditures.").
 ⁴⁷ See Exhibit A.

⁴⁸ Statement of Reasons, Commissioners Mason, Sandstrom, Smith, and Thomas, MUR 4960 (Dec. 21, 2001).

⁴⁹ FEC Matter Under Review 5999, Factual and Legal Analysis (Dec. 15, 2008); see also FEC Matter Under Review 6059, Factual and Legal Analysis, at 6 (Feb. 3, 2009).

⁵⁰ FEC Matter Under Review 4960 (Clinton for U.S. Exploratory Committee), Statement of Reasons of

Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas at 1 (Dec. 21, 2000). ⁵¹ See Exhibits A and C.

communications with HFA regarding the ads; and that he knows of no deviation from these instructions.⁵³

Because the Complaints rely entirely on speculation to mount the claim of coordination, and because Respondents have provided compelling evidence to refute this speculation even when not required to do so, the Commission should dismiss these baseless claims.

CONCLUSION

The FACT complaints are based completely on an incorrect factual assumption and a blatant misunderstanding of the law. FACT assumed that the Respondents were allocating the advertisements at issue according to the Commission's guidance on generic party hybrid advertising and apparently believe that such hybrid advertising is the only case in which a committee should allocate an advertisement between multiple federal candidates or purposes. In reality, the Commission's regulations provide for the attribution of any communication that concerns multiple Federal candidates. The Respondents followed the Commission's attribution regulations here, and paid for and reported each portion of the advertisements according to the requirements of the Act.

There is absolutely no merit to the allegations in any of the complaints in MURs 7169, 7170, 7171, 7172, 7173, 7174, 7175, 7176, 7177, 7178, 7179, 7182, 7187, and 7188 and the Commission should dismiss all of these complaints against all of the Respondents immediately.

Very truly yours,

M. B

Marc E. Elias Brian G. Svoboda Graham M. Wilson Rachel L. Jacobs

Enclosure

Counsel to:

DCCC

Santarsiero for Congress and Lora Haggard, in her official capacity as treasurer Ruben Kihuen for Congress and Jay Petterson, in his official capacity as treasurer Nelson for Wisconsin and Dr. Beth Gillis, in her official capacity, as treasurer Colleen Deacon for Congress and Jennifer May, in her official capacity as treasurer Applegate for Congress and Douglas Applegate, in his official capacity as treasurer

53 Id.

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- 14 -

Mowrer for Iowa and Dennis Skinner, in his official capacity as treasurer Texans for Pete and Wayne Alexander, in his official capacity as treasurer Suzanna Shkreli for Congress and Jennifer May, in her official capacity as treasurer Carroll for Colorado and Mitchell S. Wright, in his official capacity as treasurer Eggman for Congress and Jay Petterson, in his official capacity as treasurer Stephanie Murphy for Congress and Jennifer May, in her official capacity as treasurer Bryan Caforio for Congress and Gonzalo Freixes, in his official capacity as treasurer Friends of Christina M. Hartman and Diane Toapkian, in her official capacity as treasurer

LuAnn Bennett for Congress and Jennifer May, in her official capacity as treasurer

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Exhibit A

BEFORE THE

FEDERAL ELECTION COMMISSION

DECLARATION OF MICHAEL IAN RUSSELL

I, Michael Ian Russell, do declare and state as follows:

- 1. During the 2016 election, I worked for DCCC as Deputy Executive Director and Political Director. Through that position, I am familiar with the matters discussed herein. At no point during the 2016 election cycle did I serve as an employee, independent contractor, vendor, or agent of Hillary for America ("HFA").
- 2. As the Deputy Executive Director and Political Director of DCCC, I worked with, and supervised other DCCC employees who worked with, numerous House campaigns on television advertisements that mentioned Donald Trump. Specifically, I worked with (a) Santarsiero for Congress on the advertisement discussed in the complaint in MUR 7169; (b) Ruben Kihuen for Congress on the advertisement discussed in the complaint in MUR 7170 (c) Nelson for Wisconsin on the advertisement discussed in the complaint in MUR 7171 (d) Colleen Deacon for Congress on the advertisement discussed in the complaint in MUR 7172 (e) Applegate for Congress on the advertisement discussed in the complaint in MUR 7173 (f) Mowrer for Iowa on the advertisement discussed in the complaint in MUR 7174 (g) Texans for Pete on the advertisement discussed in the complaint in MUR 7175 (i) Shkreli for Congress on the advertisement discussed in the complaint in MUR 7176 (j) Carroll for Colorado on the advertisement discussed in the complaint in MUR 7177 (k) Eggman for Congress on the advertisement discussed in the complaint in MUR 7178 (1) Murphy for Congress on the advertisement discussed in the complaint in MUR 7179 (m) Bryan Caforio for Congress on the advertisement discussed in the complaint in MUR 7182 (n) Friends of Christina M. Hartman on the advertisement discussed in the complaint in MUR 7187 and (o) LuAnn Bennett for Congress on the advertisement discussed in the complaint in MUR 7188 (each a "Campaign" or "Advertisement" or collectively the "Campaigns" and "Advertisements," respectively). I took the lead at DCCC for managing this advertising program. I supervised this program and all DCCC staff working on these Advertisements. I was also in contact, directly or indirectly through my staff, with each of the Campaigns involved in these Advertisements.
- 3. This program was conceived by DCCC without any request, suggestion, or assent by HFA or its agents. DCCC believed that the advertising program would be an effective way to promote our Democratic House candidates and the Democratic Party, given the intense opposition among Democratic voters to Donald Trump and the policies and positions he espoused.
- 4. I managed every aspect of the creation, production, and dissemination process for each of these Advertisements, starting with script development through the advertising buying phase of each Advertisement. To that end, with a core group of DCCC staff, I worked directly with each Campaign and advertising vendor to draft each script and produce and edit each Advertisement.

- 5. I instructed my staff working on the Advertisements and the staff of Campaigns involved with the Advertisements not to discuss any aspect of these Advertisements with HFA or its agents. Likewise, my staff and the Campaigns were instructed not to have any involvement with HFA or its agents with regard to these Advertisements. I am not aware of any breach of or deviation from this protocol.
- 6. To the best of my knowledge, and consistent with the instructions I gave, these Advertisements were developed internally at DCCC in coordination with each Campaign without any communication with or from Hillary for America or its agents. Likewise, to the best of my knowledge, none of the Advertisements were created, produced, or distributed at the suggestion or request of HFA or its agents nor did they assent to the creation, production, or distribution of any of the Advertisements.
- 7. In my work for DCCC on the Advertisements, to the best of my knowledge, neither I nor any DCCC employee or Campaign staff working on these Advertisements had any involvement with HFA or its agents regarding any Advertisement in any way, including, but not limited to:
 - i. the content of any Advertisement;
 - ii. the intended audience for any Advertisement;
 - iii. the means or mode of any Advertisement;
 - iv. the specific media outlet used for any Advertisement;
 - v. the timing or frequency of any Advertisement; or
 - vi. the duration of any Advertisements.
 - 8. In my work for DCCC on the Advertisements, to the best of my knowledge, neither I nor any DCCC employee or Campaign staff working on these Advertisements had discussions about with HFA or its agents about any Advertisement or HFA's plans, projects, activities, or needs with regard to any Advertisement. Neither HFA nor its agents conveyed to me, and to the best of my knowledge to any DCCC employee or Campaign staff working on these Advertisements, any relevant information about HFA's plans, projects, activities, or needs concerning any Advertisement.
 - 9. To the best of my knowledge, no DC('C employee or Campaign staff working on these Advertisements was employed by HFA at any time during the 120 days prior to the date that each Advertisement was aired.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this $\frac{2}{\sqrt{2}}$ day of December, 2016.

Vicheel Ian Russell

- 2 -

SCHEDULE F (FEC Form 3X) ITEMIZED COORDINATED PARTY EXPENDITURES MADE BY POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S) ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE

PAGE 109105 OF 109107 FOR LINE 25 OF FORM 3X

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| your committee been designated to ma rdinated expenditures by a political party | | 1 | • | ame of Sys CCC | pordinato Commi | ileu | | | |
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| ennsylvania Democratic Par | ty | | City Washi | ington | | | State DC | | Code)3-4024 |
| Full Name (Last, First, Middle Initial) of Mundy Katowitz Media, Inc. | • | ауев | | | Memo li | | l Expenditure Services | · | |
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(To be used only by Political Committees in the General Election)

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SCHEDULE F (FEC Form 3X) ITEMIZED COORDINATED PARTY EXPENDITURES MADE BY POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S) ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE

PAGE 47529 OF 47535

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(To be used only by Political Committees in the General Election)

FEC Schedule F (Form 3X) Rov, 05/2016

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SCHEDULE F (FEC Form 3X). ITEMIZED COORDINATED PARTY EXPENDITURES MADE BY POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S) ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE

PAGE 109107 OF 109107

| (To be used only | by Political Committees in the Gener | al Election) FOR LINE 25 OF FORM 3X |
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| NAME OF COMMITTEE (In Full) | | |
| DCCC | | |
| Has your committee been designated to make | Full Name of Subordinate Committee | |
| coordinated expenditures by a political party committee? | DCCC | · · · · · |
| If YES, name the designating committee: | Mailing Address 430 South Capitol St | reet. SE |
| Democratic National Committee | 2nd Floor | |
| | City Washington | State ZIP Code DC 20003-4024 |
| Full Name (Last, First, Middle Initial) of Each Payee | Memo Item | Purpose of Expenditure |
| Murphy Vogel Askew Reilly, LLC | | Media Services |
| Mailing Address 1199 N. Fairfax St . Suite 220 | | Date Category, Type |
| City State | Zip Code | THE FREE FULL OF THE FULL OF THE FREE T |
| Alexandria VA | 22314 | 10 24 2016 |
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FEC Schedule F (Form 3X) Rev. 05/2018

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SCHEDULE F (FEC Form 3X) ITEMIZED COORDINATED PARTY EXPENDITURES MADE BY POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S) ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE

TOTAL This Period (last page this line number only).....

(To be used only by Political Committees in the General Election) FOR LINE 25 OF FORM 3X NAME OF COMMITTEE (In Full) DCCC Has your committee been designated to make . Full Name of Subordinate Committee coordinated expenditures by a political party committee? DCCC NO × YES If YES, name the designating committee: Malling Address 430 South Capitol Street, SE 2nd Floor **Democratic National Committee** City State **ZIP Code** Washington 20003-4024 DC Full Name (Last, First, Middle Initial) of Each Payee Memo Item Purpose of Expenditure Media Services Buying Time, LLC Category/ Mailing Address 650 Massachusetts Avenue, NW Type Date Suite 210 City State Zip Code 11 2018 10 Washington DC 20001 Name of Federal Candidate Supported Office Sought: × House Slate: W Amount Nelson, Tom, ... Senate District: 08 Presidential 32700.00 Aggregate General Election 32700.00 Expenditure for this Candidate > Transaction ID : SF-951664 Full Name (Last, First, Middle Initial) of Each Payee Purpose of Expenditure Memo Item Media Services Adelstein & Associates LLC Category/ Mailing Address 222 West Ontario Street, Suite 600 Туре Date State Zip Code City 10 13 2016 Chicago II. 60654 Name of Federal Candidate Supported State: ___IL Office Sought: House × Amount Schneider, Bradley, Scott, , Senate District: 10 Presidential 48100.00 Aggregate General Election 48100.00 Expenditure for this Candidate Transaction ID : SF-951461 Full Name (Last, First, Middle Initial) of Each Payee Momo Item Purpose of Expenditure Category/ Type Mailing Address Date City State Zip Code Name of Federal Candidate Supported Office Sought: House State: Amount Senate District: Presidential Aggregate General Election Expenditure for this Candidate 80800.00 SUBTOTAL of Expenditures This Page (optional)..... 1516806.99

FEC Schedule F (Form 3X) Rev. 05/2016

PAGE 47535 OF 47535

lmage# 201610209034264673

SCHEDULE F (FEC Form 3X) ITEMIZED COORDINATED PARTY EXPENDITURES MADE BY POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S) ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE

PAGE 63515 OF 63518

| ٥٢) | be used o | niy by P | olitical Com | mittees in the Gen | aral Election |) FOR L | INE 25 OF FO | RM 3X |
|--|--|-----------|-------------------|--|---------------|-------------|--------------|----------------|
| NAME OF COMMITTEE (In Full) | | | | | | | · · | |
| DCCC | • | | | , | | | | |
| Has your committee been designated to in- | ike | Full | Name of Sub | ordinate Committee | | ····· | | |
| coordinated expenditures by a political party x YES NO | y committee | ? | DCCC | | | | | |
| If YES, name the designating committee: | | Maill | ng Acdress | 430 South Capitol S | Strept. SE | | | <u> </u> |
| Democratic National Commit | tee & | | | 2nd Floor | | | | |
| California Democratic Party | | City | | | | State | ZIP Code | |
| | | <u></u> | hington | <u> </u> | | DC | 20003-4024 | |
| Full Name (Last, First, Middle Initial) of | Each Paye | 9 | | · Memo item | | Expenditure | | |
| The New Media Firm, Inc. | • | | | | Media S | 8/VICB5 | Cate | sgory/ |
| Mailing Address 1730 Shode Island Av Suite 213 | e., NW | | | | Date | | | pe |
| Gily . | Sta | ite | Zip Code | | | | | |
| Washington | | DC | 20036 | | 09 | 20 | 2016 | |
| Name of Federal Candidate Supported | Office So | ught: x | Hause | State: CA | Amount | | | · |
| Applegate, Doug, Loren, . | Ì | | Senate | District: 49 | | | | |
| | <u> </u> | | Presidential | l | | | 91200,00 | נ |
| Aggregate General Election | | | 91200 | 00 | | | | |
| Expenditure for this Candidate 🕨 | • • | | 1 D: SF-949904 | • | | | | 1 |
| Full Name (Last, First, Middle Initial) of | the second division of | | 1: 21-94990 | | Runnen al | Expenditure | | |
| | • | | | Memo fiem | Media 3 | | 1 | 1 |
| Screen Strategies Med | sia, LLC | | | | | | Care | egory/ |
| Mailing Address 11150 Fairfax E | llvd | | | | ſ | | | /pe |
| Suite 505 | | | | | Date | | | |
| City | Sie | le | Zip Code | | • | | | |
| Fairlex | <u> </u> | A | 22030 | | 09 | 23 | 2016 | |
| Name of Federal Candidate Supported | Office So | ughi: `X | | State: CA | Amount | <u></u> | | |
| Caforio, Bryan | į. | | Senate | District: 25 | | | - | - |
| · · · · · · · · · · · · · · · · · · · | 1 | | Presidential | | | , | 45490.0 | 9 |
| Aggregate General Election | | | . 96200 | .00 | | | | 1 |
| Expenditure for this Candidate | on ID : SF-9 | 50014 | | • | | | | l |
| Full Name (Last, First, Middle Initial) of | | | | , Meino liem | Purpose of | Expenditure | 1 | |
| Screen Strategies Media, L | | - | | | Media S | | j | |
| | | | | | | | . Cate | igory/ |
| Mailing Address 11150 Fairlex Blvd | | | | | L | | | 0.0 |
| Suite 505 | | | · | | Date | | | |
| City | Sta | | Zip Cude | | ้เจ | 28 | 2016 | |
| Fairlax Name of Federal Candidate Supported | | | 22030 | 1 0 0 | | | | |
| | Office So | ugni: 🗶 | House Sensie | State: CA District: 25 | Amount | | | |
| Caforio Bryan | ļ | • | Presidential | | | | 13431.04 | , ¹ |
| | <u>I</u> | | | | | , | | ſ |
| Aggregate General Election Expenditure for this Candidate ► | | | 96200 | .00 | | | | |
| | Transactio | n ID : SI | F-950737 | | | | | |
| | | | | | | | | |
| SUBTOTAL or Expenditures This Page (or | xional) | | | •••••••••••••••••••••••••••••••••••••• | | | 151121.04 | , |
| TOTAL This Period (tast page this line nur | nber only) | | | | | · | <u>ا</u> | |

FEC Schedule F (Form 3X) Rev. 05/2016

Exhibit C

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BEFORE THE

FEDERAL ELECTION COMMISSION

DECLARATION OF MAURA JOHNSON - MUR 7179

I, Maura Johnson, do declare and state as follows:

- During the 2016 election, as a Mcdia Supervisor at GMMB, Inc. ("GMMB"), I provided media buying services for Ralston Lapp Media, the consultant working with Stephanie Murphy for Congress. Through that position, I am familiar with the matters discussed herein.
- During that time, I worked with DCCC and Stephanie Murphy for Congress to distribute an advertisement discussed in the complaint in FEC Matter Under Review 7179 (the "Advertisement"). To the best of my knowledge and belief, I was the only employee of GMMB that worked on the Advertisement.
- 3. GMMB worked for Hillary for America ("HFA") during the 2016 election cycle.
- 4. To the best of my knowledge, the Advertisement was not created, produced, or distributed at the suggestion or request of HFA or its agents and HFA or its agents did not assent to the creation, production, or distribution of the Advertisement.
- 5. To the best of my knowledge, neither I, nor any employee or agent of GMMB working on the Advertisement, had any involvement with HFA or its agents regarding the Advertisement in any way, including, but not limited to:

12/21/16

133958413.1

- i. the content of the Advertisement;
- ii. the intended audience for the Advertisement;
- iii. the means or mode of the Advertisement;
- iv. the specific media outlet used for the Advertisement;
- v. the timing or frequency of the Advertisement; or
- vi. the duration of the Advertisement.
- 6. To the best of my knowledge, neither I, nor any employee or agent of GMMB working on the Advertisement, had discussions with HFA or its agents about the Advertisement.
- 7. To the best of my knowledge, neither I, nor any employee or agent of GMMB in working on the Advertisement, used or conveyed information about HFA's campaign plans, projects, activities, or needs to create, produce, or distribute the Advertisement.
- 8. To the best of my knowledge, neither I, nor any employee or agent of GMMB in working on the Advertisement, used information previously used by GMMB in providing services to HFA in relation to the distribution of the Advertisement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this $\frac{\partial I}{\partial t}$ day of December, 2016.

Maura

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- 2 -

BEFORE THE

FEDERAL ELECTION COMMISSION

DECLARATION OF DAVID DIXON AND RICHARD DAVIS, DIXON/DAVIS MEDIA GROUP LLC - MUR 7188

David Dixon and Richard Davis do declare and state as follows:

- During the 2016 election, we were partners at the Dixon/Davis Media Group LLC ("Dixon/Davis"). Through that position, we are familiar with the matters discussed herein.
- At the request of DCCC, and with the guidance of DCCC and their legal counsel, Dixon/Davis worked with DCCC and LuAnn Bennett for Congress to create, produce, and distribute an advertisement discussed in the complaint in FEC Matter Under Review 7188 (the "Advertisement").
- 3. Dixon/Davis worked for Hillary for America ("HFA") during the 2016 election cycle.
- 4. To the best of our knowledge, the Advertisement was not created, produced, or distributed at the suggestion or request of HFA or its agents and HFA or its agents did not assent to the creation, production, or distribution of the Advertisement.
- 5. To the best of our knowledge, no employce or agent of Dixon/Davis working on the Advertisement had any involvement with HFA or its agents regarding the Advertisement in any way, including, but not limited to:

i. the content of the Advertisement;

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- ii. the intended audience for the Advertisement;
- iii. the means or mode of the Advertisement;
- iv. the specific media outlet used for the Advertisement;
- v. the timing or frequency of the Advertisement; or
- vi. the duration of the Advertisement.

6. To the best of our knowledge, no employee or agent of Dixon/Davis working on the Advertisement had discussions with HFA or its agents about the Advertisement.

- To the best of our knowledge, no employee or agent of Dixon/Davis in working on the Advertisement used or conveyed information about HFA's campaign plans, projects, activities, or needs to create, produce, or distribute the Advertisement.
- 8. To the best of our knowledge, no employee or agent of Dixon/Davis in working on the Advertisement used information previously used by Dixon/Davis in providing services to HFA in relation to the creation, production, or distribution of the Advertisement.

We declare under penalty of perjury that the foregoing is true and correct. Executed on this 22^{-4} day of December, 2016.

David Dixon

- 2 -

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Exhibit D

| 24/48 HOUR REPORT OF INDEPEND | DENT EXPEND | ITURES | PAGE 9 OF 9 |
|--|---|--|--|
| Schedule E) | | | FOR SE OF FORM 24/48 |
| NAME OF COMMITTEE (In Full) | | | FEC IDENTIFICATION NUMBER |
| | | | C C00000935 |
| Check if 24-hour report X 48-hour report | X New rep | port [] Amonds rep | |
| Full Name of Payee Old Towne Media | | | Date of Public Distribution/Dissomination |
| Did Towne Media Date of Disseminat | on: 10/19/16 | | 10 19 2016 |
| Mailing Address 2507 Penwood Dr | | | Amount |
| Cliy | State | Zip Cude | 48000.00 |
| Alexandria | VA | 22310 | Transaction ID ; SE-952383 Date of Dispursement or Obligation |
| Purpose of Expendituro Media Buy | | Category/ 004 | 10 1 18 1 2016 |
| Nume of Federal Candidate | <u>.</u> | Support | Office Sought: House District: 00 |
| Donald J. Trump | | Dppose | Prosidont Stato: |
| Calendar Year-To-Data Per Election for Offico Sought | 2 | 742321.20 | Disbursement For: Disbursement For: Brimary Seneral |
| Full Name of Payee | | | Date of Public Distribution/Dissemination |
| AL Media, LLC Date of Disseminat | ion: 10/19/16 | | 10 19 2016 |
| Mailing Address 222 West Ontario Wast- | | · . | the second se |
| Suite 600 | | | Amount |
| City | State | Zip Code | 81321.00 |
| Chicago | iL | 60654 | Transaction ID : SE-952887 Date of Disbursement or Obligation |
| Purpose of Exponditure Modia Buy | | Category/ 004 Type 004 | 10 14 2016 |
| Namo of Federal Candidate | | Support | Office Scught: House District: 00 |
| Donald J. Trump | | Oppose | President State: |
| Calendar Year To Date Per Election for Office Sought | · · · | 2742321.20 | Disbursement For: Primary X General 2016 |
| | ···· | | |
| (a) SUBTOTAL of Itemized Independent Experi | ditures | | 129321.00 |
| (,, , , , , , , , , , , | | | and the second |
| (b) SUBTOTAL of Uniternized Independent Exp | enditures | | n kan ang ang ang ang ang ang ang ang ang a |
| | | | سو 4 مان مناطق معه دلی بر بر 14 میں. مسر این مناطق میں 14 میں 14 آ |
| (c) TOTAL Independent Expenditures | | | 273146.39 |
| Under penalty of perjury I contily that the indep with, or at the request or suggestion of, any car party committee) any political party committee o | ndidate or authorized | reported herain were committee or agent o | not made in cooperation, consultation, or concert of either, or (if the reporting entity is not a political |
| Kelly C. Ward | | | 14110 · · · · · · · · · · · · · · · · · · |
| Signature | • • • • | . Date | 10 21 2016 |
| | فالمحافظ والمتحر فالمتحد والمحافظ والمحاف | | |

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FEC Schedule E (Form 24/28) Rev. 09/2013

i.

| 24/48 HOUR REPORT OF INDEPENDER (Schedule E) | NI EXPENU | TURES | | PAGE 48 OF 60 |
|---|-------------------|--|------------------------------------|--|
| NAME OF COMMITTEE (In Full) | | | | FOR SE OF FORM 24/48 |
| DCCC | | | | FEC IDENTIFICATION NUMBER |
| | | | | C c0000935 |
| Cneck if 🔀 24-hour report | New rap | ori Amends rapo | ort filed on | |
| Full Name of Payee Screen Strategies Media, LLC | 40.00.000 | | | of Public Distribution/Dissemination |
| Date of Dissemination: Mailing Address 11150 Fairfox Blvd | 10/24/16 | | · · . | 10 , 24 , 2016 |
| Suite 505 | | | Amou | int |
| City | Stoto | Zip Code | | 45000.00 |
| Fairfax | VA | 22030 | | saction ID : SE-952072 of Disbursement or Obligation |
| Purpose of Expenditure Media Buy | | Category/ Type 004 | | 10 17 2016 |
| Name of Federal Condidate | | Support | Office Sough | ht: House District: 00 |
| Donald J. Trump | | | Presid | oni Senato Siate: |
| Calendar Year-To-Date Per Election for Office Sought | 3 | 653174.61 | Disbursemer 2016 | ni For: Primary 🔀 General Diher (spodfy) 🕨 |
| Full Name of Payee AL Media LLC Date of Dissemination: | | | Date | of Public Distribution/Dissemination |
| Mailing Address 222 W Ontario St | | | | الوحد ميع توجيحة المحمر |
| Suite 600 | | | Amou | uni Vistoria a |
| City | State | Zip Code | | 131250.00 |
| Chicago | IL | 50654 | | action ID : SE-953187 of Disbursement or Obligation |
| Purpose of Expenditure Media Buy | | Calegory/ Type 004 | • | 10 21 2016 |
| Name of Federal Candidate | | Support | Office Sough | hl: House District: 00 |
| Donald J. Trump | | Coppose | X Presid | ent Sonale State: |
| Calendar Year-To-Date Per Election for Office Sought | ş. 4 | 3653174.61 | 1 2016 | nt For: [] Primary 🕅 General Diher (specify) 🕨 |
| | | | | - +.+ |
| (a) SUBTOTAL of Itamized Independent Expenditur | (05 | | •• • | 176250.00 |
| (b) SUBTOTAL of Uniternized Independent Expend | ilures | | | · · · · · |
| | | | | آمسیکی الایال درکترد، میشوند ا |
| (c) TOTAL Independent Expenditures | | | • | |
| Under ponalty of perjury I confily that the independ with, or at the request or suggestion of, any condid party committee) any political party committee or its | ate or authorized | i reported herein were I committee or agont o | not made in (of either, or (if | couperation, consultation, or concert the reporting entity is not a political |
| Kelly C. Ward | | | v 4. i | 0.0.1.1.5.7 |
| Signature | | Oate | 10 ' | 25 2016 |

FEC Schedule E (Form 24/28) Ray, 09/2013

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| /48 HOUR REPORT OF INDEPEN :hedule E) | | | | | PAGE 51 OF |
|---|-------------------------------|--|----------------------------|--|--|
| ME OF COMMITTEE (In Full) | ····· | | | | FOR SE OF FORM 24 |
| | | | | | DENTIFICATION NUMB |
| | ۱ | | | | C00000935 |
| eck II 🔀 24-hour report []] 48-hour repo | rt 🔀 New | report []] Amen | is report fi | ed on L . | z j D'etti y z H ymetrystry L j mal |
| Full Name of Payse AL Media LLC | | | | | ic Distribution/Disseminat |
| Date of Dissemin | ation: 10/25/16 | | | _] ·"10"] | 25 2016 |
| Mailing Address 222 W Ontario St | | | | - | ستقور درفا مستلا الا المختر معاد |
| Suile 600 | | | | Amount | |
| City | State | Zip Code | | | 9000 |
| Chicago | IL. | 60654 | | | ID : SE-953228 Insoment or Obligation |
| Purpose of Expenditure Modia Buy | | Category/ Type | 004 | 10 | 24 2016 |
| Name of Federal Candidate | | م سمور وم صو ر مرد م | | ice Sought: [| Houso District: |
| Donald J. Trump | | . Орр | · | President | Senato State: |
| Calendar Year To-Date Per Election for Office Sought | | 4369947.93 | Dia 20 | bursemont For: | Primery [X] Ge becily)► |
| Full Name of Payee | المريكان واليرين منها بالناسي | | | | c Distribution/Disseminat |
| Canal Partners Media, LLC | | | | | |
| Date of Dissemin | ation: 10/25/16 | ······ | | 10 | 25 2016 |
| Mailing Address 25 Whillock Place | | | | Amouni | |
| Suite 200 | | | | | يد يعد يعم |
| City | Slate | Zip Code | | . | 184082.0 |
| Marialla | GA | 30064 | | Date of Disbu | ursement or Obligation |
| Purpose of Expanditure Media Buy | | Calegory/ ' Type | 004 | 10 | 19 2016 |
| Name of Federal Candidate | | Sup | port Of | ice Sought: | House District: |
| Donald J. Trump | | 🕅 Орр | ose | President | |
| Calendar Year-To-Date | | 1000012.00 | Dis | bursement For: | Primary X Ge |
| Per Election for Office Sought | } | 4369947.93 | 20 | 16 | pecify] ► |
| a) SUBTOTAL of Itemized Independent Expe | nditures | | | • | 193082.00 |
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| b) SUBTOTAL of Unitomized Independent E: | pendilures | | | | |
| | • | | | • | en al land Se |
| c) TOTAL Independent Expenditures | | | | • | • • • • |
| of the meronicon expensionaria | | | • | | ۰» |
| Inder penalty of perjury I certify that the inde Ath, or at the request or suggestion of, any c arty committee) any political party committee | andidate or authori | res reported herein 28d committee or a | were not a gent of eith | made in cooperat ner, or (if the repo | lon, consultation, or con- arring entity is not a publi |
| Kelly C. Word | | | | 1 H Z O D | · `, ', ', ', ', ' |
| | | | Date | 10 25 | 2016 |
| Signiture | | | | • | - |

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| 24/48 HOUR REPORT OF INDEPEN Schedule E) | DENT EXPEND | DITURES | PAGE 23 OF 23 |
|--|--|--|--|
| | | | FOR SE OF FORM 24/48 |
| NAME OF COMMITTEE (In Full) DCCC | | | |
| | | | C C0000935 |
| Check if 🔀 24-hour report 🛄 48-hour repor | t 🕅 Now re | port [] Amends rep | ort filed on the state of the s |
| Full Neme of Payee | | | Date of Public Distribution/Dissemination |
| Moore Campaigns, LLC | | | 10 28 2016 |
| Mailing Address 447 Irving St, NW | | | Amount |
| City | Slate | Zip Codo | 4472.36 |
| Washington | · DC | 20010 | Transaction ID : SE-954234 Date of Disbursement or Obligation |
| Purposa ol Expenditura Mall Servicos | | Category/ Type 000 | |
| Name of Federal Candidato | | Support | Office Sought: House District: 00 |
| Donalo J. Trump | | 🕅 Орвозе | X President State: |
| Culendar Year To-Date I Per Election for Office Sought | | 593586.81 | Disbursoment For: Primary X General 2016 Other (specify) |
| Full Name of Pavee | | | Date of Public Distribution/Dissemination |
| AL Media LLC | | | |
| Mailing Address 222 W Ontario St | | | Amount |
| City | State | Zip Code | |
| Chicago | IL | 60654 | Transaction ID : SE-953928 Date of Disbursoment or Obligation |
| Purpose ol Expenditure Media Ruy | | Category/ Type 004 | |
| Name of Federal Candidate | | Support | Office Sought: House District: 00 |
| Donald J. Trump | | | President Senato State: |
| Calendar Year To-Date Par Election for Office Sought | e de la composition de la comp | 4593586.81 | Olsbursement For: [] Primary [X] General 2016 [] Olher (specily) ▶ |
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| (a) SUBTOTAL of Itemized Independent Exper | 101101°CS | | یا باده این می این این این این این این این این این ای |
| (b) SUBTOTAL of Uniternized Independent Ex | penditures | | n na anna an ann an agus anna an an anna an anna 1 na anna an an anna an an anna an an an |
| | | | میرد و میرمین در این در این |
| (c) TOTAL Independent Expenditures | · · · · | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | 1588663.18 |
| Under panally of parjury I could that the Inda with, or at the request or suggestion of, any ca party committee) any political party committee | indidate or authorized | s reported herein were d committee or agent o | not made in cooperation, consultation, or concert of either, or (if the reporting only is not a political |
| Kelly C. Ward | | | 12.0 <u></u> /10/05/4.44/ |
| | | Date | 10 10 10040 |
| Signature | | | |

FEC Schedula E (Farm 24/28) Rev. 09/2013

| Image# 201610319037014651 | |
|---|------------------|
| 24/48 HOUR REPORT OF INDEPEND (Schedule E) | ENT EXPENDITURES |

| (Schedule E) | PAGE 7 OF 8 FOR SE OF FORM 24/48 |
|--|--|
| NAME OF COMMITTEE (In Full) DCCC | FEC IDENTIFICATION NUMBER V |
| Check if 🗶 24-hour report 📘 48-hour report 🗶 New report 🚺 Amends repor | |
| Full Name of Payee Adelstein & Associates LLC Date of Dissemination: 10/31/16 | Date of Public Distribution/Dissemination |
| Mailing Address 222 West Ontario Street, Sulte 600 | Amount |
| City State Zip Code Chicago IL 60654 | 80000.00 Transaction ID : SE-954371 Date of Disbursement or Obligation |
| Purpose of Expenditure Category/ 004 Media Buy 004 | |
| Name of Foderal Candidate Support Trump, Donald, J., , X | Office Sought: House District: 00 |
| Calendar Year-To-Date Per Election for Office Sought | Disbursement For: Primary |
| Full Name of Payee Adelstein & Associates LLC Date of Dissemination: 10/31/16 | Date of Public Distribution/Dissemination |
| Malling Address 222 West Ontario Street, Suite 600 | |
| City State Zip Code Chicago IL 60654 | 67387.50 Transaction ID : SE-954372 Date of Disbursement or Obligation |
| Purpose of Expenditure Media Buy Category/ 004 | |
| Name of Federal Candidate Support Trump, Donald, J., , X | Office Sought: House District: 00 President Senate State: |
| Calendar Year-To-Date Per Election for Office Sought | Disbursement For: ☐ Primary ¥ General 2016 ☐ Other (specify) ► |
| (a) SUBTOTAL of Itemized Independent Expenditures | 147387.50 |
| (b) SUBTOTAL of Uniternized Independent Expenditures | Interpretation of the second se |
| (c) TOTAL Independent Expenditures | |
| Under penalty of perjury I certily that the independent expenditures reported herein were a with, or at the request or suggestion of, any candidate or authorized committee or agent of party committee) any political party committee or its agent. | not made in cooperation, consultation, or concert f either, or (if the reporting entity is not a political |
| Ward, Kelly, C., [Flectronically Filed] Date | |
| Signature | |

| 48 HOUR REPORT OF INDEPEN chedule E) | | | | | PAGE | 51 OF 52 |
|---|---|--|---|--|--|--|
| | · · · · · · · · · · · · · · · · · · · | | | | FOR SE | OF FORM 24/48 |
| ME OF COMMITTEE (In Full) CCC | | | | FEC | IDENTIFICA | TION NUMBER |
| | | | | C | C0000093 | 5 |
| eck if 124-hour report Xi 48-hour repor | | eport Amends re | port filed on | 4 4) 4 | * D . | • • • |
| Full Name of Payles Screen Strategies Media, LLC Date of Dissemina | | | Da | le of Put | | on/Oissemination |
| Mailing Address 11150 Fairfax Blvd | | ······································ | | 10 | 18 | 2016 |
| Suite 505 | | | . Ari | nouni | | |
| City | State | Zip Code | | | | 134898.50 |
| Fairlax | VA | 22030 | Da | insaction le of Dis | n ID : SE-952 bursement of | 377 Obligation |
| Purpose of Expenditure Media Buy | | Calegory/ Type 00 | | ັ 10 ⁰ | | 2016 |
| Name of Fedaral Candidate | | ¹ Support | Office So | ught: | 1 House | District: 00 |
| Donald J. Trump | | X Oppose | | | | State: |
| Calendar Year To-Date Per Election for Office Sought | , | 2613000.20 | Disbursen 2016 | neni For: | | ry 🗙 Genera |
| Full Name of Payee | | | | | | on/Dissentination |
| | | | | | | |
| Kully Hall, LLC | Nov: 10/19/16 | • | | ·" | · • • | · · · · · |
| Mailing Address 1932 1st Avo, Suite 203 | ستستحصينها وسنبروه والابد الاحيية | | An | ່ າ <i>ດ</i> " ກວນຖາ | . 18 | 2016 |
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FEC Schedule E (Form 24/28) Rev. 09/2013

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Image# 201611049037121059 24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES (Schedule E)

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| (Schedule E) | PAGE 9 OF 11 FOR SE OF FORM 24/48 |
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| Full Name of Payee Da Screen Strategies Media, LLC | te of Public Distribution/Dissemination |
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FEC Schedula E (Form 3X) Rev 05/2016

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| Kully Hali, LLC | ination: 10/18/16 | | | ·* | | 2016 |
| Mailing Address 1932 1st Ave, Suite 203 | | - <u></u> | | Аточпі | 10 | 2010 |
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| 24/48 HOUR REPORT OF INDEPEN | IDENT EXPEND | DITURES | | |
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| (Schedule E) | | | | PAGE 3 OF 3 FOR SE OF FORM 24/48 |
| NAME OF COMMITTEE (In Full) | | | FEC | |
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| Full Name of Payee | | | Date of Pu | ublic Distribution/Dissemination |
| Buying Time, LLC Date of Dissemin | ation: 10/11/16 | • | -u /u > 10 | 11 2016 |
| Mailing Address 650 Massachusetts Avenuo | and the second | | | |
| Suite 210 | | | Amount | |
| City | State | Zip Code | | 57500.00 |
| Washington | DC | 20001 | Transactio | on ID : SE-951439 |
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| Screen Strategies Media, LLC Date of Dissemin | ation: 10/12/16 | | | 12 2016 |
| Mailing Address 11150 Fairfax Blvd | | | ¹⁰ . | 1 12 1 2016 |
| Suite 505 | | | Amount | |
| City | State | Zip Code | | 74632.00 |
| Fairfax | VA | 22030 | | n ID : SE-951438 sbursement or Obligation |
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| Under penalty of perjury I certify that the ind with, or at the request or suggestion of, any of | epondent expenditure | s reported herein ware | not made in coope | ration, consultation, cr concert |
| party committee) any political party committee | | A COMMUNICA OF BUADE D | | abarrenti armity is mor a boundar |
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| 24/48 HOUR REPORT OF INDEPEI Schedule E) | NDENT EXPEND | DITURES | | PAGE 17 OF 17 |
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| NAME OF COMMITTEE (In Full) | | • | 11 | |
| DCCC | | | 4 | С соооооэз |
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| Suite 505 | | | 1 | المالية والمسيحية فأنبرا بالمراجع |
| City Fairfax | State VA | Zip Code 22030 | Transa | 107040.00 ction (D : SE-952389 Disbursement or Obligation |
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| AL Media LLC | | | | N N N S . N S . N |
| Date of Dissemin | ialion: 10/20/16 | | , ' | 10 20 2016 |
| Mailing Address 222 W Onterio St | | | Amoun | 1 |
| Suite 600 | | | | الراجان ومادا المحتمر مراكب |
| City | State | Zip Code | | 140250.00 |
| Chicago | IL. | 60654 | | tion ID : SE-952071 f Disbursement or Obligation |
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| Under penalty of perjury I certify that the ind with, or at the request or suggestion of, any o party committee) any political party committee | candidate or authorize | s reported herein were d committee or agent o | not made in co of either, or (if th | operation, consultation, or concert re reporting entity is not a political |
| Kelly C. Ward | | | M 23 4 | u s i v v v v |
| Signature | | - Oate | 10 | 21 2016 |
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| 4/48 HOUR REPORT OF INDEPEND ichedule E) | ENT EXPEN | DITURES | | PAGE 15 OF 15 |
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| AME OF COMMITTEE (In Full) | | | ······································ | FOR SE OF FORM 24/48 |
| DCCC | | | FEC | DENTIFICATION NUMBER V |
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| Full Name of Payee | | | Date of Publ | ic Distribution/Dissemination |
| Prism Communications, Inc. Date of Dissemination | on: 10/27/16 | | 10 | 27 2016 |
| Mailing Address 1000 Polomac Street, NW | | | | |
| Suite 420 | | | Amount | |
| City | State | Zip Code | | 3291.58 |
| V/ashington | DC | 20007 | Transaction | ID : SE-953927 ursement cr Obligation |
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| Por Election for Office Sought | 3 | 4550355.45 | 2016 Other (s | |
| Full Name of Payse | | | Date of Pub | ic Distribution/Dissemination |
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| (c) TOTAL Independent Expenditures | | | ** | 771178.77 |
| Under penalty of perjury I certify that the indep with, or at the request or suggestion ot, any car party committee) any political party committee o | ndidate or authoriz | es reported herein were ed committee or agent | not made in coopera of either, or (If the rep | ution, consultation, or concert corting entity is not a political |
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| Kally C. Ward | | Dat | มหงชุส อ 10 27 | 2016 |

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FEC Schedule E (Form 24/28) Rev. 09/2013

| Gchedule E) | | | | PAGE 22 OF 25 FOR SE OF FORM 24/48 |
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| AME OF COMMITTEE (In Full) | | | FEC | |
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| ihack It [] 24-hour report 🕅 48-hour report | | report | port filed on | 1.0 0.1 7 Y. Y. Y. |
| Full Name of Payse | | | Date of Pub | lic Distribution/Dissemination |
| Kully Hall, LLC Date of Disseminat | ion: 10/12/16 | | * 4 ⁵ | 12 2016 |
| Mailing Address 1932 1st Ave. Sulle 203 | | | Amount | |
| City | State | Zip Code | | 4297.00 |
| Sealtle | WA | 98101 | | D: SE-951665 |
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| Donalo J. Trump | | X Oppose | Presiden: | Senale State: |
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| Full Name of Payee The New Media Firm, Inc. Date of Disseminat | ion: 41152116 | <u></u> | Date of Pub | lic Distribution/Dissemination |
| Mailing Address 1730 Rhode Island Avo., N | | | | |
| Suite 213 | | | Amount | |
| City | State | Zip Code | | 56930.43 |
| Washington | DC | 20036 | Transaction Date of Dist | / ID : SE-951666 bursement or Obligation |
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FEC Schedule E (Form 24/28) Rev. 09/2013

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| 24/48 HOUR REPORT OF INDEPENDER | NT EXPENDITURES |
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| (Schedule E) | JENI EAFEN | DITURES | | PAGE 21 OF 25 FOR SE OF FORM 24/48 |
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| NAME OF COMMITTEE (In Full) | | | FEC IDE | |
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| Mailing Address 1730 Rhode Island Ave., NW | | | Amount | في رفان حام |
| Suite 213 | | | | |
| City | State | Zip Code | · · , | 4047.25 |
| Washington | DC | 20036 | Transaction ID |) : SE-952372 sement or Obligation |
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| Trump, Donald, J., , | | X Oppose | X President | Senate State: |
| Calendar Year-To-Date Per Election for Office Sought | ، ۱. و | 1856586.80 | Disbursement For: 2016 Other (spe | Primary X General cify) ▶ |
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| Screen Strategies Media, LLC Date of Disseminat | ion: 10/12/16 | | ب ^{الم} ريم الم | 12 2016 |
| Mailing Address 11150 Fairfax Blvd | | | Amount | |
| Suite 505 | | | • - | · · · · · · · · · · · · · |
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| Fairfax | VA | 22030 | Transaction ID Date of Disbur | : SE-952373 sement or Obligation |
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| Ward, Kelly, C., . | /Electr | onically Filed) Date | v v o o | , , , , , , , 2016 |
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FEC Schedule E (Form 24/28) Rev. 09/2013

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| 48 HOUR REPORT OF INDEPENDENT EXI | PENDITURES | |
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| chedule E) | | PAGE 3 OF FOR SE OF FORM 24/4 |
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| ack If [] 24-hour report [X] 48-hour report [X] A | New report | port filed on |
| Full Name of Payee Buying Time, LLC | | Date of Public Distribution/Disseminati |
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| Mailing Address 650 Massachusetts Avenue, NW | | Amount |
| Suite 210 | | |
| City State | Zip Code | 57500. Transaction ID : SE-951439 |
| Washington DC | 20001 | Transaction ID : SE-951439 Date of Disbursement or Obligation |
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| Per Election for Office Sought | 1459931.62 | 2016 [] Other (spocify) ▶ |
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| Screen Strategies Media, LLC Duto of Dissemination: 10/12/16 | | 10 12 2016 |
| Mailing Address 11150 Fairfax Blvd | | |
| Suite 505 | | Amount |
| City State | Zip Code | 74632.00 |
| Fairlax VA | 22030 | Transaction ID : SE-951438 Date of Disbursement or Obligation |
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| ith, or at the request or suggestion of, any candidate or aut | ditures reported herein were horized committee or agent | not made in cooperation, consultation, or conc of either, or (if the reporting entity is not a politi |
| nder penalty of perjury I certify that the Independent expen ith, or at the request or suggestion of, any candidate or aut arty committee or its agent. Kelly C. Ward | ditures reported herein were horizod committee or agent | of either, or (if the reporting entity is not a politie |

| /48 HOUR REPORT OF INDEPENDEN | IT EXPI | END | ITURES | | |
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| eck if [X] 24-hour report 48-hour report | | w rep | ort | ort filed on | u u a produce a service a |
| Full Name of Payee Screen Strategies Media, LLC | <u></u> | ندار بدر _{ال} ار ا | | . D | ate of Public Distribution/Dissemination |
| Date of Dissemination: 1 | 0/25/16 | | | | 10 25 2016 |
| Mailing Acdress 11150 Foirfax Bivd | | | | | mount |
| Suite 505 | | | | ^ ^ | noura |
| City | Slate | | Zio Code | | 121850.00 |
| Fairfax | VA | | 22030 | T | ransaction ID : SE-952388 ate of Disbursement or Obligation |
| Purpose of Expenditure Media Buy | | | Category/ Type 004 | | 10 / 18 · 2016 |
| Name of Federal Candidate | · . · | | Support | Office S | ought: House District: 00 |
| Donald J. Trump | | | | | i anno 1 |
| | ••• | | NA oppose | · · · · · · · · · · · · · · · · · · | esident _ Schate State: ment For: Primary Genoral |
| Calendar Year To-Date Par Election for Office Sought | , | , ⁴³ | 69947.93 | 12016 |] Other (specily) ► |
| Full Name of Payee | | | | | ate of Public Distribution/Dissemination |
| Buying Time, LLC Date of Dissemination: 1 | 0005400 | | | | 10 25 2016 |
| Mailing Address 650 Massachusetts Avonue, NW | | | | | 10 25 2016 |
| Suite 210 | | | | A | mount |
| City · | State | | Zip Code | | 19691.00 |
| Washington | DC | | 20001 | | ansaction ID : SE-953229 ate of Disburscment or Obligation |
| Purpose of Expanditure Media Buy | | | Calegory/ 004 | · · · · · · | 10 24 2018 |
| · | | | [| - | مرجلة المنظرية المنظرية والم |
| Name of Federal Candidate | | | Support | Office Se | ought: House District: 00 |
| Donald J. Trump | | | Copose | X Pr | esident Senate State: |
| Calendar Year To-Dato | | | | Diabursu | ment For: [_] Primary 🕅 General |
| For Election for Office Sought | J. | ł | 4369947.93 | 2016 |] Other (specily) > |
| نور کو زندی ، اس ر <u>ین ب</u> ا هم در پر هم و برای که چی از مانه می اور در می م | | | | a an | |
| a) SUBTOTAL of itemized independent Expenditure | RS | | | | 14 154 1.00 |
| | | | | | |
| (b) SUBTOTAL of Uniternized Independent Expandit | lurca | | | • ► - E | |
| | | | | | |
| c) TOTAL Independent Expenditures | ····· | | | ·· • | |
| | | | | | |
| Under penalty of perjury I certify that the independentiation of the roquest or suggestion of, any candidation of any candidative committee or its | ate or auth | liures crized | reported horoin were committee or agent (| nut made of cither, or | In cooperation, consultation, or concert r (if the reporting entity is not a political |
| Kelly C-Wasd | | | | יי און | |
| Signalure | • | . | . Cate | e 10 | 25 2016 |
| | | | | | |

| chedule E) | | - | PAGE 57 OF 57 FOR SE OF FORM 24/48 |
|--|--------------------|--|---|
| AME OF COMMITTEE (In Full) DCCC | | <u>, , , , , , , , , , , , , , , , , , , </u> | |
| heck if [X] 24-hour report []] 48-hour report | | report []] Amends repo | |
| Full Name of Payac Buying Time, LLC Date of Disseminati | on: 11/01/16 | ····· | Date of Public Distribution/Dissemination |
| Mailing Address 650 Massachusetts Avenue, N Sulto 210 | | | Amount |
| City Washington | State DC | Zip Code 20001 | 7175.00 Transaction ID : SE-954373 |
| Purpose of Expenditure Media Buy | | Category (Type 004 | Date of Disbursement or Obligation |
| Name of Foderal Cancidate Donald J. Trump | | U Support | Office Sought: [_] House District: 00 |
| Calendar Ycar To-Dato Per Election for Office Sought | | 5894458.07 | Image: Senato State: Senato State: Disbursement For: Primary M General 2016 Other (spacify) ▶ |
| Full Name of Fayee Screen Strategies Media, LLC Dato of Disseminati | | | Date of Public Distribution/Dissemination |
| Mailing Address 11150 Fairfax Stvd Suito 505 | | | Amount |
| City Fairfax | State VA | Zip Code 22030 | 74850.00 Transaction ID : SE-954175 Date of Disbursement or Obligation |
| Purpose of Expenditure Modia Buy | | Category/ Type 004 | 10 27 2016 |
| Name of Federal Candidate Donald J. Trump | | Support | Offlice Sought: _ House District:00 X President _ Senate State: |
| Culendar Year-To-Date Per Election for Office Sought | | 5094458.07 | Disbursement For: [_] Primary [X] Goneral 2016 [_] Other (specify) ▶ |
| (a) SUBTOTAL of Itemized Independent Expon | ditures | | 92025.00 |
| (b) SUBTOTAL of Uniternized Independent Exp | enditures | | n en |
| (c) TOTAL Independent Expenditures | | | 14333615.05 |
| Under ponalty of perjury I certify that the indep with, or at the request or suggestion of, any car party committee) any political party committee o | didate or authorit | res reported harein were zed committes or agent o | not made in cooperation, consultation, or concert of either, ur (ii the reporting entity is not a political |
| Kelly & Ward | | Dato | 0, 11 02 2016 |
| Signature | | | |

24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES

Image# 201611069037127397 24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES (Schedule E)

| (Schedule E) | | ii oneo | | PAGE 11 OF 12 FOR SE OF FORM 24/48 |
|--|---|--|---------------------|--|
| NAME OF COMMITTEE (In Full) DCCC | | | | FEC IDENTIFICATION NUMBER |
| Check il 🗶 24-hour report 🔲 48-hour report | New rep | ort Amends repo | rt liled | on u cu , ot o , y ty ty ty |
| Full Name of Payee Screen Strategies Media, LLC Date of Dissemination; | 11/05/16 | | | Date of Public Distribution/Dissemination |
| Mailing Address 11150 Fairfax Blvd Suite 505 | (1)03/10 | | | 11 05 2016 Amount |
| Cily Fairfax | State VA | Zip Code | | 58700.00 Transaction ID : SE-954453 |
| Purpose of Expenditure Media Buy | | Category/ Type 004 | | Date of Disbursement or Obligation |
| Name of Federal Candidate Trump, Donald, J., | | Support X Oppose | | Sought: House District: 00 President Senate State: |
| Calendar Year-To-Date Per Election for Office Soughi | مود المحمد بي محمود من مود المحمل محمد محمد المحمد | 6526208.19 | Disbui 2016 | rsement For: Primary X General |
| Full Name of Payeo Canal Partners Media, LLC Date of Dissemination: | 11/06/16 | | | Date of Public Distribution/Dissemination |
| Mailing Address 25 Whitlock Place Suite 200 | | <u></u> | | Amount |
| City Marietta | State GA | Zip Code 30064 | | 7910.00 Transaction ID : SE-954884 Date of Disbursoment or Obligation |
| Purpose of Expenditure Media Buy | | Calegory/ Type 004 | | 11 ' ^D |
| Namo of Federal Candidate Trump, Donald, J., . | | Support X Oppose | | Sought: House District: 00 President Senate State: |
| Calendar Year-To-Date Per Election for Office Sought | موسيقين مرسيون در موسيقين مرسيون در | 6648199.19 | Disbu 2016 | rsement For: Primary General |
| (a) SUBTOTAL of Itemized Independent Expenditu | ırəs | | ·· 🕨 | 66610.00 |
| (b) SUBTOTAL of Uniternized Independent Expendent | ditures | | •• 🕨 | |
| (c) TOTAL Independent Expenditures | | | "► | |
| Under penalty of perjury I certily that the independ with, or at the request or suggestion of, any candid party committee) any political party committee or it | date or authorize | s reported herein were d committee or agent c | not ma of either | de in cooperation, consultation, or concert , or (if the reporting entity is not a political |
| Ward, Kelly, C., . Signature | [Electron | nically Filed] Date | | |

FEC Schodule E (Form 24/28) Rev. 09/2013

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Image# 201610189033039653 24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES

| (Schedule E) | PAGE 19 OF 25 FOR SE OF FORM 24/48 |
|--|---|
| NAME OF COMMITTEE (In Full) DCCC | FEC IDENTIFICATION NUMBER V |
| Check if 24-hour report 🗶 48-hour report 🖌 New report 🗶 Amends report filed | on 10 14 2016 |
| Full Name of Payee Raiston Lapp Media, LLC Date of Dissemination: 10/14/16 | Date of Public Distribution/Dissemination |
| Mailing Address 1054 31st Street, NW Suito 430 | |
| City State Zip Code Washington DC 20007 | 12260.71 Transaction ID : SE-951677 |
| Purpose of Expenditure Media Production Category/ 004 Type 004 | Date of Disbursement or Obligation |
| Name of Federal Candidate Support Office Hurd, William, . , X Oppose | e Sought: 🗶 House District: 23 President 🚺 Senate State: TX |
| Calendar Year-To-Date Disbu Per Election for Office Sought 1648833.65 2016 | rrsement For: Primary 🗶 General |
| Full Name of Payee Buying Time, LLC Date of Dissemination: 10/14/16 | Date of Public Distribution/Dissemination |
| Mailing Address 650 Massachusells Avenue, NW Sulte 210 | |
| CityStateZip CodeWashingtonDC20001 | 53000.00 Transaction ID : SE-952374 Date of Disbursement or Obligation |
| Purpose of Expenditure Media Buy Category/ r 004 7 Type | 10 13 2016 |
| Name of Federal Candidate Support Office Trump, Donald, J X Oppose X | e Sought: House District: 00 President Senate State: |
| Calendar Year-To-Date 1919459.68 Disbu Per Election for Office Sought | ursement For: Primary X General |
| (a) SUBTOTAL of Itemized Independent Expenditures | 65260.71 |
| (b) SUBTOTAL of Unitemized Independent Expenditures | |
| (c) TOTAL Independent Expenditures | |
| Under penalty of perjury I certify that the independent expenditures reported herein were not ma with, or at the request or suggestion of, any candidate or authorized committee or agent of either party committee) any political party committee or its agent. | ade in cooperation, consultation, or concert r, or (if the reporting entity is not a political |
| Ward, Kelly, C., . [Liectronically Filed] Date 1 Signature | |

Image# 201610199033071490 24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES

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| (Schedule E) | EXPENDI | IUNES | | PAGE 52 OF 52 FOR SE OF FORM 24/48 |
|---|---------------------------------------|--|---|--|
| NAME OF COMMITTEE (In Full) | | | EEC | |
| DCCC | | | | C00000935 |
| Check if 24-hour report X 48-hour report | X New repo | ort 🗌 Amends repo | rl filed on | |
| Full Name of Payee | | | Date of Put | olic Distribution/Dissemination |
| The New Media Firm, Inc. Date of Dissemination: 10/ | /18/16 | | 10 | 18 2016 |
| Mailing Address 1730 Rhode Island Ave., NW | | | Amount | 9 Insural Supervisional |
| Suite 213 | | | | |
| City | | Zip Code | | 3407.87 |
| Washington | DC | 20036 | | n ID : SE-952382 bursement or Obligation |
| Purpose of Expenditure Media Buy Media Production | | Category/ Type | 10 | 18 2016 |
| Name of Federal Candidate | · · · · · · · · · · · · · · · · · · · | Support | Office Sought: | House District: 00 |
| Trump, Donald, J., . | | X Oppose | Y President | Senate State: |
| Calendar Year-To-Dale Per Election for Office Sought | | 2613000.20 | Disbursement For: 2016 | Primary ¥ General (specify) ► |
| Full Name of Payee | | | | blic Distribution/Dissemination |
| Buying Time, LLC Date of Dissemination: 10 | /18/16 | | | 1. 103. 1. 1 |
| Mailing Address 650 Massachusetts Avenue, NW | | | | 18 2016 |
| Suite 210 | | | Amount | |
| City | State | Zip Code | | 83829.00 |
| Washington Purpose of Expenditure | DC | 20001 | Transaction Date of Dis | ID: SE-952073 sbursement or Obligation |
| Media Buy | | Calegory/ 004 Type | 10 | , 0 To 17 / 2016 |
| Name of Federal Candidate | | Support | Office Sought: | House District: 00 |
| Trump, Donald, J., , | | X Oppose | × President | Senale State: |
| Cateridar Year-To-Date Per Election for Office Sought | | 2613000.20 | Disbursement For 2016 | |
| (a) SUBTOTAL of Itemized Independent Expenditures | 5 | 1 2 | · • | 87236.87 |
| (b) SUBTOTAL of Uniternized Independent Expenditu | rəs | | | |
| (c) TOTAL Independent Expenditures | | | • | 11152409.38 |
| Under penalty of perjury I cortify that the independer with, or at the request or suggestion of, any candidat party committee) any political party committee or its a | e or authorized | reported herein were committee or agent o | not made in coope I either, or (il the r | ration, consultation, or concert oporting entity is not a political |
| Ward, Kelly, C., , | [Electron | <i>ically Filed]</i> Date | | 2016 |
| Signature | | | | |

FEC Schedule E (Form 24/28) Rev. 09/2013

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| /48 HOUR REPORT OF INDEPENI | UENI EXPEN | DITURES | PAGE 52 OF 60 |
|---|-----------------------|--|--|
| chedule E) | | | PAGE 52 OF 60 FOR SE OF FORM 24/48 |
| ME OF COMMITTEE (In Full) | | | FEC IDENTIFICATION NUMBER |
| CCC | | | C : C00000935 |
| eck If X 24-hour report () 48-hour report | | eport [_] Amends rep | ort filed on |
| Full Name of Payce Screen Strategies Media, LLC | | | Date of Public Distribution/Dissemination |
| Dale of Dissominal Mailing Address 11150 Fairfax Blvg | lori: 10/25/16 | | 10 25 2016 |
| Suite 505 | | | Amount |
| City | State | Zip Code | 64326.00 |
| Fairfax | VA | 22030 | Transaction ID : SE-953184 Date of Disbursement or Obligation |
| Purpose of Expenditure . Modia Buy | | Catogory/ Type : 004 | 10 21 2016 |
| Name of Federal Candidate | | [] Support | Office Sought:] House District: 00 |
| Donald J. Trump | | X Oppose | Resident State: |
| Calendar Yeor-To-Date Por Election for Office Sought | , ., | 4369947.93 | Disbursement For: Primary X General 2016 |
| Full Name of Payeo | | | Date of Public Distribution/Dissemination |
| Buying Time, LLC Date of Disseminal | lion: 10/25/16 | | |
| Mailing Address 650 Massachusetts Avenue Sulte 210 | a, NW | | Amount |
| City | State | Zlp Code | 62488.00 |
| Washington | DC | 20001 | Transaction ID : SE-953185 Date of Disbursoment or Obligation |
| Purpose of Expanditure Media Buy | | Calegory/ 004 | 10 1 21 2016 |
| Name of Federal Candidate | | Sucpon | Office Sought: House District: 00 |
| Donald J. Trump | | 🕅 Оррозе | X President State State: |
| Calendar Year-To-Date For Election for Office Sought | | 4369947.03 | Disbursemont For: Primary X General 2016 |
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| (a) SUBTOTAL of Itemized Independent Expen | ditures | | 126814.00 |
| (b) SUBTOTAL of Uniternized Independent Exp | enditures | •, | n an |
| (c) TOTAL Independent Expenditures | | | n ► in again that and a state of the state |
| Under ponally of portury I certify that the indep with, or at the request or suggestion of, any ca party committee) any political party committee o | nolidate or authoriza | as reported herein were ad committee or agent o | not made in cooporation, consultation, or concert of either, or (if the reporting entity is not a political |
| | | | 1 4 1 0 1 1 1 1 Y - Y - Y - Y - Y |
| Kelly C. Word | | Oate | |