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April 27, 2018

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VIA E-MAIL

Jeff S. Jordan, Esq.
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street NE
Washington, DC 20463

Re: MUR 7339 – Republican National Committee and State Party Respondents

Dear Mr. Jordan:

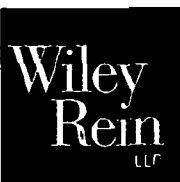
We represent the Republican National Committee (the “RNC”), Anthony Parker in his official capacity as Treasurer of the RNC, and 17 of the Republican state party committees named as respondents (collectively, the “State Party Respondents”) in the above-captioned matter.¹

We have reviewed the complaint filed by the American Democracy Legal Fund (“ADLF”) on March 5, 2018 (the “Complaint”) alleging that the RNC and the State Party Respondents violated the Federal Election Campaign Act of 1971, as amended (the “Act” or “FECA”), and Federal Election Commission (the “Commission” or “FEC”) regulations through their participation in Trump Victory, a joint fundraising committee. Invoking the district court’s joint fundraising hypothetical in *McCutcheon v. FEC*,² the Complaint’s central claim is that Trump

¹ Enclosed are signed designation of counsel forms on behalf of the State Party Respondents we represent in this matter, which include the Alabama Republican Party, the Republican Party of Arkansas, the California Republican Party, the Connecticut Republican Party, the Kansas Republican Party, the Republican Party of Louisiana, the Republican Party of Minnesota, the Mississippi Republican Party, the Missouri Republican State Committee, the New Jersey Republican State Committee, the NY Republican Federal Campaign Committee, the North Carolina Republican Party, the Republican Federal Committee of Pennsylvania, the Republican Party of Virginia, the West Virginia Republican Party, the Wisconsin Republican Party, and the Wyoming Republican Party. Although we represent only 17 of the 21 State Party Respondents in this matter, the arguments in our submission generally apply to all of the State Party Respondents.

² *McCutcheon v. FEC*, 134 S.Ct. 1434, 1455 (2014). The district court’s joint fundraising hypothetical only resulted in “illegal earmarking” under FECA and Commission regulations because it was “expressly based . . . on the premise that *the donor* would telegraph his desire to support one candidate and that ‘many separate entities would willingly serve as conduits for a single contributor’s interests.’” *Id.* (emphasis added). The Supreme Court did not hold or suggest in

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Victory was “a massive illegal money laundering scheme” that “move[d] funds earmarked by [Trump Victory] megadonors to the RNC for the benefit of the Trump Campaign through” the State Party Respondents.³

As is shown below, these allegations have no legal or factual foundation.

First, the Complaint offers absolutely no evidence that Trump Victory donors took any actions to “earmark” their contributions through the State Party Respondents for the RNC to spend on behalf of President Trump’s campaign. Because Trump Victory donors did not earmark their contributions in this manner, their contributions as a matter of law did not result in excessive contributions, contributions in the name of another, or reporting violations by the RNC and the State Party Respondents.

Second, the State Party Respondents’ voluntary decisions to transfer contributions they raised from Trump Victory to the RNC do not create a reasonable inference that the transfers did not occur or occurred without the State Party Respondents’ authorization. The State Party Respondents did, in fact, receive the reported transfers from Trump Victory before subsequently transferring the funds to the RNC.

Third, the Complaint’s theory that the RNC’s collaboration with the Trump Campaign “changed the RNC accounts into Trump Campaign accounts for purposes of federal campaign finance law”⁴ is divorced from both factual and legal reality. Both the RNC and the Democratic National Committee (the “DNC”) work closely with their party’s presidential nominees on messaging, fundraising, resource allocation, and other ticket-wide political and policy issues, and this ticket-wide collaborative political activity does not transform all of a national party committee’s spending into coordinated expenditures or in-kind contributions within the meaning of the Act and Commission regulations.

(Continued . . .)

McCutcheon that intraparty transfers following joint fundraising activities create a presumption of earmarking or are otherwise unlawful.

³ Compl. at 1, 4.

⁴ *Id.* at 13.

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Finally, the Complaint asserts that several of the State Party Respondents failed to report to the FEC transfers from Trump Victory or to the RNC. The Complaint's attachment listing these purportedly missing transfers is illegible, so it is difficult to determine where ADLF obtained its information—but nearly all of these allegedly "missing" transfers, as outlined in the body of the Complaint, were in fact duly disclosed to the Commission on the State Party Respondents' original FEC reports.

For these and other reasons detailed below, the Commission should find no reason to believe that the RNC and the State Party Respondents violated the Act or Commission regulations and should promptly dismiss this matter.

FACTS

Shortly after then-candidate Donald J. Trump became the Republican Party's presumptive nominee for president, the RNC and President Trump's campaign, Donald J. Trump for President, Inc. (the "Trump Campaign"), began discussing the creation of one or more joint fundraising committees. On May 17, 2016, the RNC announced the formation of Trump Victory, a joint fundraising committee consisting of the Trump Campaign, the RNC, and 11 of the State Party Respondents.⁵ In the announcement, former RNC Chairman Reince Priebus explained that the joint fundraising effort would enable the RNC "to expand the robust ground, data, and digital operation we have in place to elect Republicans up and down the ballot."⁶ President Trump similarly noted that the joint fundraising effort would "raise support for Republicans everywhere"⁷

Separate from Trump Victory, the RNC and Republican state party committees began discussing the strategic advantages and disadvantages of the state parties transferring funds to the RNC for the 2016 general election campaign. The RNC launched a major party-building effort in 2013 to establish a permanent field organization throughout the country, and centralizing the Republican Party's funding at the RNC would ensure the party's resources were spent efficiently

⁵ Press Release, RNC & Trump Campaign Announce Joint Agreements (May 17, 2016), <https://www.gop.com/rnc-trump-campaign-announce-joint-agreements>. The remaining 10 State Party Respondents joined Trump Victory on September 4, 2016 and September 21, 2016.

⁶ *Id.*

⁷ *Id.*



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during the final months of the 2016 election cycle. The Republican state party committees agreed, and those participating in Trump Victory committed to transferring the contributions they raised through joint fundraising to the RNC. The RNC, in turn, saved or spent the party's funds—including the approximately \$298.2 million the RNC raised itself—on a wide variety of expenses that benefitted the entire Republican Party in 2016 and will continue to do so for years to come.⁸

In addition to direct spending, the RNC also transferred nearly \$67.5 million to other Republican party committees during the 2016 election cycle. The RNC transferred \$8.5 million to the NRSC and \$3.2 million to the NRCC in September – November 2016 to aid the Republican Party's senatorial and congressional campaign committees in their efforts to maintain Republican majorities in Congress. The RNC also provided crucial last-minute funding in key battleground states, transferring \$5.2 million to the Republican Party of Florida, \$3.78 million to the North Carolina Republican Party, \$3.2 million to the Ohio Republican Party, \$2.67 million to the Republican Federal Committee of Pennsylvania, \$1.43 million to the Republican Party of Wisconsin, and \$1.12 million to the Michigan Republican Party in September – November 2016.

THE LAW

I. Earmarked Contributions

FECA provides that “all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.”⁹

“Earmarked” means “a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a

⁸ See, e.g., Blog Post, *GOP Digital Ground Game* (Nov. 11, 2016), <https://www.gop.com/gop-digital-ground-game> (providing “topline statistics” showing how “Chairman Reince Priebus’ strategic vision to build a world-class permanent, data driven ground game” and “hard work” helped “Republicans ma[k]e history by winning the White House and maintaining control of the House and Senate”).

⁹ 52 U.S.C. § 30116(a)(8).

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contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee."¹⁰

"Conduit" or "intermediary" means "any person who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee," with certain exceptions.¹¹

A conduit is required to forward an earmarked contribution, along with certain information, to the candidate's authorized committee within 10 days.¹² If the conduit is a political committee, it must report the receipt and the forwarding of an earmarked contribution on its FEC report.¹³ An authorized committee receiving an earmarked contribution must report it as a contribution from the original contributor, also disclosing the identity of the conduit, on its FEC report.¹⁴

II. Contributions in the Name of Another

FECA prohibits a person from "mak[ing] a contribution in the name of another person or knowingly permit[ting] his name to be used to effect such a contribution," and likewise prohibits a person from "knowingly accept[ing] a contribution made by one person in the name of another person."¹⁵

Commission regulations provide the following two examples of conduct that violates this "name of another" prohibition:

- (i) Giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing

¹⁰ 11 C.F.R. § 110.6(b)(1).

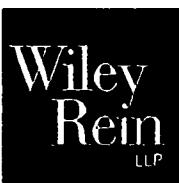
¹¹ *Id.* § 110.6(b)(2).

¹² *Id.* § 110.6(c)(1).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ 52 U.S.C. § 30122.



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of value to the recipient candidate or committee at the time the contribution is made, *see* 11 C.F.R. § 110.6; or

- (ii) Making a contribution of money or anything of value and attributing as the source of the money or thing of value another person when in fact the contributor is the source.¹⁶

III. Political Party Committee Transfers

The Act's contribution limits "do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party."¹⁷

Commission regulations further provide that:

For purposes of the contribution limitations . . . all contributions made or received by the following political committees shall be considered to be made or received by separate political committees—

- (i) The national committee of a political party . . .
- (ii) The State committee of the same political party.¹⁸

The Act and Commission regulations require political party committees to disclose transfers to and from other party committees or affiliated committees, including the name of the party committee making or receiving the transfer and the date and amount of such transfer.¹⁹

¹⁶ 11 C.F.R. § 110.4(b)(2).

¹⁷ 52 U.S.C. § 30116(a)(1), (4).

¹⁸ 11 C.F.R. § 110.3(b)(1).

¹⁹ *See id.* § 104.3(a)(4)(iii)(B), (b)(3)(ii).

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IV. Joint Fundraising Committees

The Act and Commission regulations permit political committees to engage in joint fundraising, which the Supreme Court has noted “is simply a mechanism for individual committees to raise funds collectively, not to circumvent base [contribution] limits”²⁰ The maximum amount that a donor may contribute to a joint fundraising committee (“JFC”) is the total amount the donor could contribute to all JFC participants under applicable contribution limits, less any amount the donor previously contributed to JFC participants that counts toward the applicable contribution limits.²¹ JFCs must adhere to several procedural safeguards to ensure that joint fundraising activities do not result in any excessive contributions to JFC participants.²²

The Commission’s joint fundraising regulations, however, provide flexibility for political party committees because of the legal ability of party committees to make unlimited transfers among themselves. First, “if the [JFC] participants are all party committees of the same political party, there is no limit on the amount a participant may advance for fundraising costs on behalf of other participants.”²³ Second, “if participants are party committees of the same political party, expenses need not be allocated among those participants.”²⁴ Finally, when promulgating its joint fundraising regulations, the Commission further explained:

[I]f all of the participants in a fundraising activity are party committees of the same political party, the participants will not have to adhere to the requirements of this section even though an agreement may have been reached as to the allocation of proceeds before the fundraiser takes place. Since the party committees could decide, after the fundraiser was concluded, to transfer any amount of the proceeds among themselves pursuant to [52 U.S.C.

²⁰ *McCutcheon v. FEC*, 134 S.Ct. 1434, 1455 (2014); *see also* 52 U.S.C. § 30102(e)(3)(ii); 11 C.F.R. § 102.17.

²¹ 11 C.F.R. § 102.17(c)(5).

²² *See, e.g., id.* § 102.17(c)(2), (4), (6), (7).

²³ *Id.* § 102.17(b)(3)(iii).

²⁴ *Id.* § 102.17(c)(7)(ii).

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§ 30116(a)(4)], the fact that an allocation formula had been previously agreed to would not trigger the joint fundraising requirements to provide notice of the recipients of the funds or to allocate contributions according to the prearranged formula.²⁵

DISCUSSION

I. The Complaint fails to meet even the rudimentary procedural requirements for a “reason to believe” finding and should be dismissed on this basis alone.

Commission regulations require that a complaint “contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction.”²⁶ A “reason to believe” finding is appropriate “only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA.”²⁷ “Unwarranted legal conclusions from asserted facts . . . or mere speculation . . . will not be accepted as true.”²⁸ Moreover, “[p]urely speculative charges, especially when accompanied by a direct refutation, do not form an adequate basis to find a reason to believe finding that a violation of the FECA has occurred.”²⁹

As the Commission is aware, the present Complaint is the latest in a series of unsubstantiated complaints filed by ADLF against Republican candidates and political committees over the past several years. ADLF has a track record of making erroneous legal and factual claims in their FEC complaints, and the Complaint filed in this matter is no different. Here, ADLF alleges in the Complaint

²⁵ *Transfer of Funds; Collecting Agents; Joint Fundraising*, 48 Fed. Reg. 26296, 26298 (June 7, 1983).

²⁶ 11 C.F.R. § 111.4(d)(3).

²⁷ MUR 4960 (Hillary Rodham Clinton for U.S. Senate 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).

²⁸ *Id.* at 2.

²⁹ MUR 6296 (Buck), Statement of Reasons of Vice Chair Hunter and Commissioners McGahn and Petersen at 5 (quoting MUR 5467 (Moore), First General Counsel’s Report at 5 (July 23, 2004)).

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that a Republican donor made public statements about his motivation for contributing to Trump Victory and selectively quoted a news article.³⁰ In fact, the cited news article quoted the Republican donor discussing why he contributed *to a pro-Trump super PAC—not to Trump Victory, the RNC, or any of the State Party Respondents*. In addition, ADLF alleges in the Complaint that several of the State Party Respondents failed to report to the Commission transfers received from Trump Victory and/or made to the RNC. In fact, all but three of these transfers were duly reported by the State Party Respondents on their original FEC reports.

ADLF's propensity for making false and misleading factual claims in the present Complaint and in other complaints filed with the Commission in recent years is sufficient in and of itself to dismiss the Complaint. In addition, as detailed below, the Complaint's allegations are purely speculative and the Complaint further fails to set forth specific facts which, if proven true, could constitute a violation of FECA or FEC regulations. The Complaint does not provide *any* evidence that Trump Victory donors earmarked their contributions or that Trump Victory transferred the State Party Respondents' shares of the joint fundraising proceeds directly to the RNC. The Complaint's corollary theories—that state party committees' transfers to national party committees are somehow restricted or that national and state party committees are not permitted to collaborate with their presidential nominees on ticket-wide political activities—are similarly baseless.

Because the Complaint fails to meet even the minimum procedural requirements for a "reason to believe" finding, the Commission should promptly dismiss the Complaint on this basis alone.

II. The State Party Respondents were not conduits for, and the RNC did not accept, earmarked contributions from Trump Victory donors.

The Complaint's central allegation is that Trump Victory donors "*must* have . . . earmarked their funds for the RNC to help the Trump Campaign," resulting in excessive contributions, contributions in the name of another, and various reporting violations by the RNC and the State Party Respondents.³¹ As support for these broad allegations, the Complaint contends that one Republican donor's statement

³⁰ Compl. at 6.

³¹ *Id.* (emphasis added).

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about his motivation for contributing to a pro-Trump super PAC, combined with the State Party Respondents' publicly reported transfers to the RNC and former RNC Chairman Reince Priebus's statements about the Republican Party's ticket-wide activities, "indicate that contributions to [Trump Victory] were directly or indirectly earmarked by Republican megadonors to be transferred through [the State Party Respondents] to the RNC to benefit Trump."³² None of the Complaint's purported "evidence," however, indicates or even suggests that Trump Victory donors earmarked their contributions in this manner.³³

Under FEC regulations, a contribution is "earmarked" by a donor through "a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of [the] contribution . . . being . . . expended on behalf of" a candidate.³⁴ Importantly, the Commission has consistently "determined that funds are considered 'earmarked' *only when there is clear documented evidence of acts by donors* that resulted in their funds being used by the recipient committee for expenditures on behalf of a particular campaign."³⁵ For example, in MURs 4831/5274, the Commission found probable cause that funds donated to the Missouri Democratic State Committee were "earmarked" for a Senate candidate when the contribution checks included memo line notations written by donors referencing the Senate candidate (e.g., "Nixon," "Nixon-Win," "J. Nixon Fund," "Jay Nixon Campaign Contribution") or were accompanied by letters from donors stating their contributions were "to aid" the Senate candidate's campaign or instructing the state party to spend their contributions on the Senate candidate.³⁶

³² *Id.* at 14.

³³ As required by FEC regulations, donors to Trump Victory were permitted to override the default contribution allocation formula and designate their contributions for particular participants subject to the applicable contribution limits to each participant. 11 C.F.R. § 102.17(c)(2)(i)(C). It was Trump Victory's policy and practice, after ensuring these designated contributions complied with applicable contribution limits, to transfer designated contributions directly to the identified participants.

³⁴ *Id.* § 110.6(b)(1).

³⁵ MUR 5732 (Matt Brown for U.S. Senate), Factual & Legal Analysis at 6 (Apr. 4, 2007) (emphasis added).

³⁶ MURs 4831/5274 (Nixon), Conciliation Agreement at ¶ 6 (Oct. 2, 2003).

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On the other hand, "[t]he Commission has routinely rejected allegations of earmarking where the circumstances are purely circumstantial, and there is no clear designation or instruction given by the donor."³⁷ For example, the Commission determined "earmarking did not occur where the contributions only resulted from [political] party [committee] solicitations suggesting support for [a candidate] or merely coincide[d] with support provided to [the candidate's] campaign."³⁸ Moreover, annotations on deposit slips or batch notes referencing a candidate written by state party staff are not indicia of earmarking.³⁹ Nor are media reports stating that a retiring congressman's campaign, which had transferred excess

³⁷ MUR 5732 (Matt Brown for U.S. Senate), Factual & Legal Analysis at 6 n.4 (Apr. 4, 2007); see also MUR 5678 (Liffrig), First General Counsel's Report at 8 (Nov. 27, 2006) (finding no reason to believe that a contribution to a PAC was earmarked when the Commission had "no information that there were any designations, instructions, or encumbrances on [the contributor's] check to [the PAC], and both [the contributor] and [the PAC] effectively deny that [the contributor] orally placed any restrictions on his contribution") (recommendation adopted by the Commission 6-0 on Dec. 12, 2006); MUR 5125 (Perry), First General Counsel's Report at 9 (Dec. 20, 2002) (finding no reason to believe a contribution to a state party committee was earmarked when, "[o]ther than the bare allegations in [the complainant's] affidavit, the complaint does not show any designation, instruction, or encumbrance on the contribution") (recommendation adopted by the Commission 6-0 on Jan. 6, 2003); MUR 5019 (Keystone PAC), First General Counsel's Report at 27-28 (Feb. 5, 2001) ("[A]lthough the contributors were likely aware that the Keystone Federal PAC would contemporaneously contribute to the Porter and Ensign Committees, it does not appear that the contributors knew that a portion of *their own contributions* would be given to a specified candidate." (emphasis in original)) (recommendation adopted by the Commission 6-0 on Mar. 6, 2001); MUR 4643 (Democratic Party of New Mexico), First General Counsel's Report at 20-21 (June 29, 1999) (finding no reason to believe contributions to a state party committee were earmarked when there was "no indication in the record that any of the contributors directed or controlled their contributions or took any action that might constitute a designation or instruction that the funds be spent on behalf of" a candidate) (recommendation adopted by the Commission 6-0 on July 22, 1999).

³⁸ MUR 5732 (Matt Brown for U.S. Senate), Factual & Legal Analysis at 6 (discussing MURs 4831/5274 (Nixon)); see also MURs 4831/5274 (Nixon), Statement of Reasons of Vice Chairman Bradley A. Smith and Commissioner Michael E. Toner at 2 (Dec. 1, 2003) (rejecting the Office of General Counsel's argument that "earmarked contributions" included "receipts solicited by the Missouri Democratic State Committee, made payable to the party, to assist the party in its efforts on Nixon's behalf" because "[t]his approach would appear to sweep within the classification of 'earmarked' contribution party fundraising that invokes candidates or urges support for their campaigns, when instead that activity should be (and is) regulated and disclosed as ordinary political party activity").

³⁹ MUR 5445 (Nesbitt), First General Counsel's Report at 16 (Feb. 2, 2005) (approved by the Commission 6-0 on Feb. 7, 2005) (discussing MURs 4831/5274 (Nixon)).

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campaign funds to a state party committee, had a “wink and nod” arrangement with the state party to contribute part of these funds to his successor’s campaign.⁴⁰ In addition, “[t]he Commission has rejected earmarking claims even where the timing of the contributions at issue appeared to be a significant factor, but the contributions lacked a clear designation or instruction.”⁴¹

Here, the Complaint baldly alleges that “public statements by donors about their contributions” to Trump Victory are “evidence” of earmarking.⁴² The Complaint, however, fails to identify any such donor statements. Instead, as was noted above, the Complaint grossly mischaracterizes one Republican donor’s quote in a news article about why he contributed to *a super PAC and not to any of the respondents involved in the present matter*. The news article cited in the Complaint states:

Peter Zieve, a Seattle aerospace engineer, said he similarly was pushed off the sidelines by pure happenstance. The \$1 million from Zieve, who has given little to political campaigns in the past, was only revealed this week.

“I remember thinking I wouldn’t give them money,” said Zieve, recalling a meeting with operatives from *the super PAC Rebuilding America Now* at the Republican National Convention. “And I

⁴⁰ MUR 5520 (Tauzin), First General Counsel’s Report at 7-8 (May 31, 2005) (approved by the Commission 6-0 on June 3, 2005).

⁴¹ MUR 6221 (Transfund PAC), Factual & Legal Analysis at 10 (June 7, 2010); *see also* MURs 4831/5274 (Nixon), Statement of Reasons of Vice Chairman Bradley A. Smith and Commissioner Michael E. Toner at 2 (Dec. 1, 2003) (“[T]he fact that MDSC used funds in coordinated expenditures on behalf of Nixon in amounts ‘corresponding’ to the totals raised by Nixon” is not sufficient evidence of “‘indirect’ earmarking.” “[U]nless the donor specifically earmarks his gift, we do not impose the original donor’s limit on party spending, even though [sic] the donor believed that by giving to the party he could assist the party’s nominees.” (emphasis added)).

⁴² Compl. at 6.



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realized that I have never ever been as excited about a candidate as I've been about Donald Trump."⁴³

The public statement of only one donor discussing why he contributed to a super PAC and not to the RNC, the State Party Respondents, or to any of the other respondents involved in this matter does not even rise to the level of a "circumstantial" allegation—it is completely irrelevant.

But even if the quoted Republican donor had been discussing his motivation for contributing to Trump Victory, the RNC, or the State Party Respondents, this would not have been evidence of earmarking. After all, "[d]onations are made to a party by contributors who favor a party's candidates in races that affect them" and "donors are (of course) permitted to express their views and preferences to party officials."⁴⁴ "Consequently, unless the donor specifically earmarks his gift, [the Commission] do[es] not impose the original donor's limit on party spending, even thought [*sic*] the donor believed that by giving to the party he could assist the party's nominees."⁴⁵

The Complaint also theorizes and speculates that the timing of the State Party Respondents' transfers to the RNC "implies" that Trump Victory "donors must have known [how these funds would be moved] and earmarked their funds for the RNC to help the Trump Campaign."⁴⁶ As explained above, the Commission has consistently rejected earmarking claims that are based on circumstantial allegations such as the timing of transfers or the recipient committee's subsequent support of a candidate.⁴⁷

Finally, the Complaint makes a passing reference to "public statements by former [RNC] Chairman Reince Priebus" about "'fusing' the RNC and the Trump

⁴³ Theodore Schleifer, *Trump Spent Massive Amounts in September Just Before Donors Grew Jittery*, CNN (Oct. 21, 2016), <https://www.cnn.com/2016/10/20/politics/donald-trump-september-donors-jittery/index.html> (emphasis added).

⁴⁴ *FEC v. Colorado Rep. Fed. Campaign Comm.*, 533 U.S. 431, 462 (2001).

⁴⁵ MURs 4831/5274 (Nixon), Statement of Reasons of Vice Chairman Bradley A. Smith and Commissioner Michael E. Toner at 2 (Dec. 1, 2003).

⁴⁶ Compl. at 6.

⁴⁷ See *supra* nn. 38, 41.



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Campaign” as allegedly providing “corroborat[ion]” of earmarked contributions.⁴⁸ Although the cited news article paraphrases and does not quote Mr. Priebus, it is clear that Mr. Priebus was discussing ordinary ticket-wide political party committee activities that occur after a presumptive presidential nominee emerges.⁴⁹ This in no way “corroborates” the Complaint’s specious earmarking theory.

Put simply, the Complaint fails to offer any evidence—let alone credible evidence—that even a single Trump Victory donor took actions that might constitute a designation, instruction, or encumbrance for his or her contribution to be routed through the State Party Respondents to the RNC for the RNC to subsequently spend on coordinated party expenditures benefitting the Trump Campaign. Because Trump Victory donors did not earmark their contributions through the State Party Respondents to the RNC for the benefit of the Trump Campaign, the Complaint’s corollary allegations based on earmarked contributions also fail as a matter of law. Accordingly, the Commission should find no reason to believe that the RNC and the State Party Respondents failed to report earmarked contributions from Trump Victory donors (Count I), no reason to believe that the RNC knowingly accepted contributions in the name of another from Trump Victory donors (Count II), no reason to believe that the RNC accepted excessive contributions from Trump Victory donors (Count III), and no reason to believe that the RNC filed inaccurate reports as a result of the first three alleged violations (Count IV).

III. The reported transfers from the State Party Respondents to the RNC occurred with the prior authorization of the State Party Respondents.

The Complaint further contends that “[i]t is reasonable to infer” the transfers from Trump Victory to the State Party Respondents and from the State Party Respondents to the RNC “may not have occurred at all” or occurred “without the [State Party Respondents’] prior knowledge or consent,” resulting in the State Party Respondents and the RNC filing inaccurate disclosure reports with the FEC.⁵⁰ Such an inference, based solely on intraparty transfers reported to the FEC, is not

⁴⁸ Compl. at 14-15.

⁴⁹ See *infra* Part IV.

⁵⁰ Compl. at 18-19.

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reasonable. Moreover, there is nothing unlawful about the State Party Respondents transferring to the RNC contributions that they raised through joint fundraising activities.

The Act and Commission regulations expressly provide that national and state committees of the same political party not only have separate contribution limits, but also may make unlimited transfers among themselves.⁵¹ The only restrictions placed on political party transfers apply to national party committee transfers to state party committees “for the purchase of” exempt party campaign materials or “for [exempt party] voter registration and get-out-the-vote activities” on behalf of the party’s presidential nominee.⁵² Significantly, neither the Act nor FEC regulations specifically address transfers from state party committees to national party committees, let alone place restrictions on such transfers. This “reflects a judgment that party committee units are to be relatively free to fund each other’s efforts”⁵³—a judgment that both the Commission and the Supreme Court have reaffirmed for decades.

For example, when the Commission determined that state party committees could assign their coordinated expenditure limits to national party committees through “agency agreements,” the FEC’s decisions were based on the ability of party committees to make unlimited intraparty transfers.⁵⁴ After all, it was “immaterial as to which committee’s funds were being expended” for coordinated expenditures because a national party committee could merely transfer funds to a state party committee for coordinated expenditures if the state party committee was not allowed to assign its coordinated expenditure limit to the national party committee.⁵⁵ As the Commission observed, restricting the assignment of a party

⁵¹ 52 U.S.C. § 30116(a)(4); 11 C.F.R. § 110.3(b).

⁵² See 11 C.F.R. §§ 100.87(g), 100.89(g), 100.147(g), 100.149(g).

⁵³ MUR 4215 (DNC), Statement of Reasons of Chairman Joan D. Aikens, Vice Chairman Scott E. Thomas, and Commissioners Lee Ann Elliott, Danny Lee McDonald, and John Warren McGarry at 4 (Mar. 26, 1998).

⁵⁴ See MUR 1234 (NRSC), First General Counsel’s Report (July 8, 1980); MUR 820 (NRSC), First General Counsel’s Report (Dec. 6, 1978); MUR 780 (NRSC), First General Counsel’s Report (Oct. 30, 1978).

⁵⁵ MUR 780 (NRSC), First General Counsel’s Report at 3 (Oct. 30, 1978).

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committee's coordinated expenditure limit "would seem to place form over substance since the national and state party committees could be presumed to be working together toward the same goal and probably even coordinating campaign strategy."⁵⁶ Such a restriction also would "attempt[] to draw an artificial distinction between the national committee of a party and the State committee of the same party," which "Congress rejected" by amending FECA in 1976 to explicitly permit unlimited intraparty transfers.⁵⁷ As the FEC noted, "Congress thus left it to each party and its committees to decide on how to best support party candidates within specified dollar limitations and minimal restrictions."⁵⁸ The Supreme Court ultimately concurred with the Commission, finding agency agreements to be substantively the same as monetary transfers.⁵⁹ The Court explained that "[m]oney transferred [from the national committee] to the state committee presumably would be spent as the state committee decided," but the Court also recognized that a national committee "easily could insist that funds transferred to a state committee be utilized in a certain manner."⁶⁰

Just as the Commission found restricting the assignment of coordinated party expenditure limits to "draw an artificial distinction" and be substantively "immaterial," the FEC also has rejected the regulation of intraparty transfers based on the level of control exercised by the recipient party committee in spending the funds. In MUR 4215, for example, the Commission determined that the DNC could transfer a mixture of federal and non-federal funds to Democratic state party committees using the state party committees' allocation ratios (which were more favorable than the DNC's allocation ratio) for the purpose of paying for generic voter drive advertisements.⁶¹ The Office of General Counsel argued that the state party committees were acting as shell entities so the DNC could pay for the advertisements with a more favorable allocation ratio, and that the state party

⁵⁶ MUR 820 (NRSC), First General Counsel's Report at 3 (Dec. 6, 1978)

⁵⁷ MUR 1234 (NRSC), First General Counsel's Report at 8 (July 8, 1980).

⁵⁸ *Id.*

⁵⁹ *FEC v. DSCC*, 454 U.S. 27 (1981).

⁶⁰ *Id.* at 40-41.

⁶¹ MUR 4215 (DNC), Statement of Reasons of Chairman Joan D. Aikens, Vice Chairman Scott E. Thomas, and Commissioners Lee Ann Elliott, Danny Lee McDonald, and John Warren McGarry at 3-4 (Mar. 26, 1998).

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committees did not actually “make” the expenditures because they did not “control” the transferred funds.⁶² The Commission rejected both of these contentions, concluding that “the state party committees clearly retained ultimate control over their disbursements” simply because “[t]he funds at issue actually had been transferred to the state parties.”⁶³ The Commission further explained that “each state party decided whether to accept and spend the funds transferred by the DNC,” and “[t]he state party committees could have rejected the funds offered by the DNC.”⁶⁴ Thus, and as the Supreme Court recognized, one party committee “easily could insist that funds transferred to [another party] committee . . . be utilized in a certain manner.”⁶⁵

The Complaint suggests that FECA and FEC regulations somehow restrict state party committees from transferring to the RNC contributions that they lawfully raised through joint fundraising activities. To the contrary, the Commission has expressly recognized that “party committees could decide, after the [joint] fundraiser was concluded, to transfer *any amount* of the proceeds among themselves pursuant to [52 U.S.C. § 30116(a)(4)].”⁶⁶ Here, the State Party Respondents did just that—after receiving their shares of the joint fundraising proceeds from Trump Victory, the State Party Respondents transferred these funds to the RNC.

The Complaint’s contention that the transfers from Trump Victory to the State Party Respondents, and from the State Party Respondents to the RNC, did not occur or occurred without the State Party Respondents’ authorization is unfounded. Accordingly, the Commission should find no reason to believe that the RNC and the State Party Respondents filed inaccurate FEC reports (Count V).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *FEC v. DSCC*, 454 U.S. 27, 40-41 (1981).

⁶⁶ *Transfer of Funds; Collecting Agents; Joint Fundraising*, 48 Fed. Reg. 26296, 26298 (June 7, 1983) (emphasis added).

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IV. The RNC did not make excessive contributions or excessive coordinated party expenditures on behalf of the Trump Campaign.

Perhaps recognizing that the definition of “earmarked” contribution only encompasses contributions with “a designation, instruction, or encumbrance . . . result[ing] in all or any part of a contribution . . . being made to, or expended on behalf of, *a clearly identified candidate or a candidate’s authorized committee*,”⁶⁷ ADLF in the Complaint also alleges that the Trump Campaign “exercise[d] oversight, direction, and control over the expenditure of RNC funds, including the funds the RNC received through the [Trump Victory] earmarked transfers by the [State Party Respondents].”⁶⁸ This allegation, in particular, reflects a fundamental misunderstanding of how political party committees and their candidates operate.

The news article cited by the Complaint as “evidence” of “apparent coordination and control [of the RNC] by the Trump Campaign”⁶⁹ is nothing more than a reflection of how the Republican and Democratic Parties and their presidential nominees have interacted and worked together for decades. In fact, the Supreme Court, the Commission, and the primary sponsors of the Bipartisan Campaign Reform Act of 2002 (“BCRA”) have all acknowledged the importance of allowing political parties and candidates to freely consult with each other on a wide variety of political and electoral matters.⁷⁰ Such interactions and discussions between

⁶⁷ 11 C.F.R. § 110.6(b)(1) (emphasis added).

⁶⁸ Compl. at 20.

⁶⁹ *Id.* at 13.

⁷⁰ See *McConnell v. FEC*, 540 U.S. 93, 160 (2003) (“Nothing on the face of [BCRA’s soft money ban] prohibits national party officers, whether acting in their official or individual capacities, from sitting down with state and local party committees or candidates to plan and advise how to raise, and spend soft money. As long as the national party officer does not personally spend, receive, direct, or solicit soft money, [the soft money ban] permits a wide range of joint planning and electioneering activity.”); Brief for Intervenor–Defendants Sen. John McCain *et al.* at 22, *McConnell v. FEC*, 540 U.S. 93 (2003) (No. 02–1674) (“BCRA leaves parties and candidates free to coordinate campaign plans and activities, political messages, and fundraising goals with one another.”); FEC Adv. Op. 2005–02 (Corzine I) at 8–9 (Apr. 22, 2005) (concluding that the soft money ban did not restrict a national party committee officer from consulting with candidates and state party committees to help them plan how to raise and spend funds, recommending individuals for employment with candidates and party committees, or discussing campaign strategy and fundraising goals).

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candidate committees and political party committees do not transform all of a party committee's spending into coordinated party expenditures or in-kind contributions on behalf of the party's various candidates up and down the ticket.

Just as the RNC and DNC have done for decades, once President Trump emerged as the Republican Party's presumptive presidential nominee in 2016, the RNC worked closely with the Trump Campaign to achieve the goal of electing as many Republicans to public office as possible across the country. In this national political effort, the RNC decided how to spend its own funds, and its collaboration with the Trump Campaign in no way converted the RNC's ticket-wide spending into coordinated party expenditures or in-kind contributions on behalf of the Trump Campaign or any other Republican campaign committee. Accordingly, the Commission should find no reason to believe the RNC made excessive contributions or coordinated party expenditures on behalf of the Trump Campaign (Count VI).

V. The Complaint falsely alleges that the State Party Respondents failed to report a large number of transfers from Trump Victory or to the RNC, but in fact nearly all these transfers were properly reported to the Commission.

Finally, the Complaint alleges that numerous State Party Respondents failed to report a large number of transfers from Trump Victory or to the RNC. However, almost all of the transfers identified in the Complaint were in fact disclosed on the State Party Respondents' original FEC reports covering the date of each transfer.⁷¹ Specifically, the following transfers—which the Complaint alleges were missing from the applicable FEC reports—were actually timely and accurately reported by the State Party Respondents:

⁷¹ Two of the State Party Respondents inadvertently omitted a transfer from Trump Victory and a transfer to the RNC. However, both the New Jersey Republican State Committee and the West Virginia Republican Party are in the process of filing amended reports with the Commission to disclose these transfers. It should be noted that neither of these state party committees received a Request for Additional Information ("RFAI") from the Commission's Reports Analysis Division regarding the omitted transfers, and both Trump Victory and the RNC fully disclosed these transfers on their original FEC reports. Although the New Jersey Republican State Committee received an RFAI on its 2016 30 Day Post-General Report, the RFAI did not reference the omitted transfers. See FEC Image 201704200300084780.

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- Alleged Reporting Violation: "On September 30, 2016, the RNC reported receiving \$413,699.04 from the Republican Party of Minnesota. . . . However, the Republican Party of Minnesota failed to report transferring those funds to the RNC."⁷²
 - In fact: The Republican Party of Minnesota duly disclosed a \$413,699.04 transfer to the RNC made on September 30, 2016 on its original 2016 October Monthly Report.⁷³
- Alleged Reporting Violation: "On September 30, 2016, the RNC reported receiving \$877,859.47 from the Tennessee Republican Party. . . . However, the Tennessee Republican Party failed to report transferring those funds to the RNC."⁷⁴
 - In fact: The Tennessee Republican Party duly disclosed an \$877,859.34 transfer to the RNC made on September 30, 2016 on its original 2016 October Monthly Report.⁷⁵
- Alleged Reporting Violation: "On October 17, 2016, the RNC reported receiving \$518,355.09 from the North Dakota Republican Party. . . . However, the North Dakota Republican Party failed to report transferring those funds to the RNC."⁷⁶
 - In fact: The North Dakota Republican Party duly disclosed a \$518,355.09 transfer to the RNC made on October 17, 2016 on its original 2016 Pre-General Report.⁷⁷
- Alleged Reporting Violation: "On October 17, 2016, TVC reported transferring \$517,829.69 to the Republican Party of Minnesota. . . .

⁷² Compl. at 20.

⁷³ See FEC Image 201610209034476209.

⁷⁴ Compl. at 21.

⁷⁵ See FEC Image 201610209034106884.

⁷⁶ Compl. at 21.

⁷⁷ See FEC Image 201610269034584375.



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However, the Republican Party of Minnesota failed to report receiving those funds, even though it later reports expending \$517,809.69 to the RNC on that same day."⁷⁸

- In fact: The Republican Party of Minnesota duly disclosed a \$517,829.69 transfer from Trump Victory received on October 17, 2016 on its original 2016 Pre-General Report.⁷⁹

- Alleged Reporting Violation: "On October 27, 2016, TVC reported transferring \$169,942.34 to the Republican Party of Minnesota. . . . However, the Republican Party of Minnesota failed to report receiving those funds, even though it later reports expending \$169,922.34 to the RNC on that same day."⁸⁰

- In fact: The Republican Party of Minnesota duly disclosed a \$169,942.34 transfer from Trump Victory received on October 27, 2016 on its original 2016 Post-General Report.⁸¹

- Alleged Reporting Violation: "On November 7, 2016, TVC reported transferring \$142,103.44 to the Republican Party of Minnesota. . . . However, the Republican Party of Minnesota failed to report receiving those funds, even though it later reports expending \$142,083.44 to the RNC on that same day."⁸²

- In fact: The Republican Party of Minnesota duly disclosed a \$142,103.44 transfer from Trump Victory received on November 7, 2016 on its original 2016 Post-General Report.⁸³

⁷⁸ Compl. at 21.

⁷⁹ See FEC Image 201610279036895559.

⁸⁰ Compl. at 21.

⁸¹ See FEC Image 201612089040206504.

⁸² Compl. at 21.

⁸³ See FEC Image 201612089040206505.

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- Alleged Reporting Violation: "On November 22, 2016, the RNC reported receiving \$79,898.84 from the Connecticut Republican Party. . . . However, the Connecticut Republican Party failed to report transferring those funds to the RNC."⁸⁴
 - In fact: The Connecticut Republican Party duly disclosed a \$79,898.84 transfer to the RNC made on November 21, 2016 on its original 2016 Post-General Report.⁸⁵
- Alleged Reporting Violation: "On November 29, 2016, TVC reported transferring \$77,983.69 to the Republican Party of Minnesota. . . . However, the Republican Party of Minnesota failed to report receiving those funds, even though it later reports expending \$77,963.69 to the RNC on that same day."⁸⁶
 - In fact: The Republican Party of Minnesota duly disclosed a \$77,983.69 transfer from Trump Victory received on November 29, 2016 on its original 2016 Year End Report.⁸⁷
- Alleged Reporting Violation: "On December 16, 2016, TVC reported transferring \$18,997.04 to the North Carolina [Republican Party]. . . . However, the North Carolina Republican Party failed to report receiving those funds, even though it somehow reports expending \$18,977.04 to the RNC on December 15, 2016, a day before it receives the funds from TVC."⁸⁸

⁸⁴ Compl. at 22.

⁸⁵ See FEC Image 201612079037684809.

⁸⁶ Compl. at 22.

⁸⁷ See FEC Image 201701319042238396.

⁸⁸ Compl. at 22.

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- In fact: The North Carolina Republican Party duly disclosed an \$18,997.04 transfer from Trump Victory received on December 15, 2016 on its original 2016 Year End Report.⁸⁹
- Alleged Reporting Violation: "On December 16, 2016, TVC reported transferring \$22,926.44 to the Republican Party of Minnesota. . . . However, the Republican Party of Minnesota failed to report receiving those funds, even though it later reports expending \$22,906.44 to the RNC on that same day."⁹⁰
- In fact: The Republican Party of Minnesota duly disclosed a \$22,926.44 transfer from Trump Victory received on December 16, 2016 on its original 2016 Year End Report.⁹¹

In light of the foregoing, the Commission should find no reason to believe that the State Party Respondents filed inaccurate FEC reports (Count VII).

CONCLUSION

For all of the reasons set forth above, the Commission should find no reason to believe that the RNC and the State Party Respondents violated FECA or FEC regulations and should promptly dismiss this matter.

Respectfully Submitted,

Michael E. Toner
Brandis L. Zehr

⁸⁹ See FEC Image 201701319042192017. Due to a minor technical error, the North Carolina Republican Party disclosed both the incoming transfer from TVC and the outgoing transfer to the RNC with the date 12/15/16.

⁹⁰ Compl. at 22.

⁹¹ See FEC Image 201701319042238396.

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FIRM: Wiley Rein LLP

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4/25/18

Date

Anthony C. Zehr

Respondent/Agent -Signature

Treasurer

Title (Treasurer/Candidate/Owner)

RESPONDENT: Republican National Committee

(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 310 First Street SE, Washington, DC 20003

(Please Print)

TELEPHONE- HOME ()

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4/25/18 [Signature] Treasurer
Date **Respondent/Agent -Signature** **Title(Treasurer/Candidate/Owner)**

RESPONDENT: Anthony Parker in his official capacity as Treasurer
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: Republican National Committee
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310 First Street SE, Washington, DC 20003

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4-26-2018 Jerry Nathan Chair
Date Respondent/Agent -Signature Title (Treasurer/Candidate/Owner)

RESPONDENT: Alabama Republican Party
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 3505 Lorna Road
(Please Print) Hoover, AL 35216

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BUSINESS 205, 212 5900

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4-27-18

Date

Dorze Webb

Respondent/Agent -Signature

Chairman

Title(Treasurer/Candidate/Owner)

RESPONDENT: Arkansas Republican Party
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 1201 West Sixth Street
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Little Rock, AR 72201

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BUSINESS (501) 372-7301

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4/25/13 *[Signature]* *Chief Operating Officer*
Date **Respondent/Agent - Signature** **Title (Treasurer/Candidate/Owner)**

RESPONDENT: California Republican Party
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 1001 K Street, 4th Floor
(Please Print)

Sacramento, CA 95814

TELEPHONE- HOME _____

BUSINESS (916) 448-9496

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4/20/2018 [Signature] Treasurer
Date Respondent/Agent Signature Title (Treasurer/Candidate/Owner)

RESPONDENT: Connecticut Republican Party; Warner C. Byrne, III
(Committee Name, Company Name, or Individual Named in Notification Letter) Treasurer

MAILING ADDRESS: 176 Laning Street
(Please Print) Southington, CT 06489

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BUSINESS (860) 426-1920

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4-27-2018 [Signature] Chairman
Date Respondent/Agent -Signature Title(Treasurer/Candidate/Owner)

RESPONDENT: Kansas Republican Party
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: P.O. Box 4157 Topeka KS 66604
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TELEPHONE- HOME ()

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04/20/18 Dexter Duhon TREASURER
Date Respondent/Agent -Signature Title (Treasurer/Candidate/Owner)

RESPONDENT: LOUISIANA GOP
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 114 S. STATE STREET
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ABBEVILLE, LA 70510

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CELL¹¹ BUSINESS _____

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4/26/18
Date

[Signature]
Respondent/Agent -Signature

Treasurer
Title(Treasurer/Candidate/Owner)

RESPONDENT: REPUBLICAN PARTY OF MINNESOTA
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 2200 EAST FRANKLIN SUITE 201
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MINNEAPOLIS, MN 55404-2395

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Date

Catarina N. Thomas

Respondent/Agent -Signature

Treasurer

Title (Treasurer/Candidate/Owner)

RESPONDENT: Missouri Republican State Committee
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 514 East High Street
(Please Print)

Jefferson City, MO 65101

TELEPHONE- HOME () _____

BUSINESS (573) 636-3146

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 7339

NAME OF COUNSEL: Michael E. Toner; Brandis L. Zehr

FIRM: Wiley Rein LLP

ADDRESS: 1776 K Street NW; Washington, DC 20006

TELEPHONE- OFFICE (202) 719-7545

FAX (202) 719-7049 Web Address www.wileyrein.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/25/18 Date *Patricia N. Thomas* Respondent/Agent - Signature Treasurer Title (Treasurer/Candidate/Owner)

RESPONDENT: Missouri Republican Treasurer
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 514 East High Street
(Please Print)

Jefferson City, MO 65101

TELEPHONE- HOME ()

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4-27-18 Michael E. Toner TREASURER
Date Respondent/Agent -Signature Title(Treasurer/Candidate/Owner)
RESPONDENT: New York Republican Federal Campaign Committee
(Committee Name, Company Name, or Individual Named in Notification Letter)
MAILING ADDRESS: 315 State Street, Albany NY 12210
(Please Print)

TELEPHONE- HOME ()

BUSINESS 518, 462-2601

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FAX (202) 219-3923

MUR # 7339

NAME OF COUNSEL: Michael E. Toner; Brandis L. Zehr

FIRM: Wiley Rein LLP

ADDRESS: 1776 K Street NW, Washington, DC 20006

TELEPHONE- OFFICE (202) 719-7545

FAX (202) 719-7049 **Web Address** www.wileyrein.com

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4/23/18

Michael Scott

Executive Director

Date

Respondent's Signature

Title (Treasurer/Candidate/Owner)

RESPONDENT: Republican Federal Committee of Pennsylvania
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 112 State Street
(Please Print)

Harrisburg, PA 17101

TELEPHONE- HOME () _____

BUSINESS (717) 234-4901

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use *one* form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 7339

NAME OF COUNSEL: Michael E. Toner; Brandis L. Zehr

FIRM: Wiley Rein LLP

ADDRESS: 1776 K Street NW, Washington, DC 20006

TELEPHONE- OFFICE (202) 719-7545

FAX (202) 719-7049 Web Address www.wileyrein.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/20/2018
Date

[Signature]
Respondent/Agent -Signature

Treasurer
Title(Treasurer/Candidate/Owner)

RESPONDENT: Republican Party of Virginia, Inc.
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 115 E. Grace Street
(Please Print)

Richmond, Virginia 23219

TELEPHONE- HOME _____

BUSINESS (804) 270-0791

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

MUR # MUR 7339

Name of Counsel: Michael E. Toner

Firm: Wiley Rein LLP

Address: 1776 K St. NW
Washington, D.C. 20006

Telephone: 202-719-7545 Fax: 202-719-7049

E-mail: mtoner@wileyrein.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/3/18
Date

Matthew Welch
Signature (Respondent/Agent)

Treasurer
Title

RESPONDENT: West Virginia Republican Party, Inc.
(Committed Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: P.O. Box 2711
(Please Print) Charleston WV 25330

Telephone (H): _____ (W): 304-768-0493

E-mail: _____

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2017



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 7339

NAME OF COUNSEL: Michael E. Toner; Brandis L. Zehr

FIRM: Wiley Rein LLP

ADDRESS: 1776 K Street NW, Washington, DC 20006

TELEPHONE- OFFICE (202) 719-7545

FAX (202) 719-7049 Web Address www.wileyrein.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/24/12
Date

[Signature]
Respondent/Agent Signature

Executive Director
Title (Treasurer/Candidate/Owner)

RESPONDENT: Republican Party of Wisconsin
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 148 E. Johnson St.
(Please Print)

Madison, WI 53703

TELEPHONE- HOME () _____

BUSINESS (608) 257-4765

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 7339

NAME OF COUNSEL: Michael E. Toner, Brandis L. Zehr

FIRM: Wiley Rein LLP

ADDRESS: 1776 K. Street NW, Washington D.C. 20006

TELEPHONE- OFFICE (202) 719-7545

FAX (202) 719-7049 **Web Address** www.wileyrein.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4-27-18
Date

Frank Eithorn
Respondent/Agent -Signature

Chairman
Title(Treasurer/Candidate/Owner)

RESPONDENT: Wyoming Republican Party
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: P.O. Box 984, Cheyenne, WY 82001
(Please Print)

TELEPHONE- HOME () _____

BUSINESS (307) 234-9166

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