



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Tim Sifert, Treasurer  
Conservative Leadership for Arizona  
P.O. Box 67808  
Phoenix, Arizona 85082

AUG 13 2019

RE: MUR 7344  
Conservative Leadership for Arizona  
and Tim Sifert in his official  
capacity

Dear Mr. Sifert:

On March 14, 2018, the Commission notified the Committee of a complaint, MUR 7344, alleging certain violations of the Act and a copy of the complaint was forwarded to you.

Upon review of the allegations contained in the complaints, and information provided by the Committee, the Commission, on July 23, 2019,

The Commission found no reason to believe that the Committee violated 52 U.S.C. § 30104(g), another provision of the Act, in MUR 7344. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is enclosed for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath.

In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. *See* 52 U.S.C. § 30109(a)(4).

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this  
If you intend to be represented by counsel,

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please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notification or other communications from the Commission.

If you are interested in pursuing pre-probable cause conciliation, you should make such a request in by letter to the Office of the General Counsel. *See* 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into in order to complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been delivered to the respondents.

Requests for extensions of time are not routinely granted. Requests must be made in writing at least five days prior to the due date of the response and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days. Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at [http://www.fec.gov/em/respondent\\_guide.pdf](http://www.fec.gov/em/respondent_guide.pdf).

Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>1</sup>

This matter will remain confidential in accordance with 52 U.S.C. 30109(a)(4)(B) and 30109(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public. For your information we have enclosed a brief description of the Commission's

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<sup>1</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

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procedures for handling possible violations of the Act. If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1616 or drigsby@fec.gov.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

cc: Tim Sifert, Treasurer  
Conservative Leadership for Arizona  
5320 N 81st Place  
Scottsdale, Arizona 85250

Enclosures  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Conservative Leadership for Arizona and Tim Sifert in his official capacity as treasurer MUR 7344

**I. INTRODUCTION**

Conservative Leadership for Arizona and Tim Sifert in his official capacity as treasurer (“CLA”), a newly-formed independent-expenditure-only political committee (“IEOPC”)

The Complaint in MUR 7344 alleges that CLA failed to timely file a 24- or 48-Hour report of independent expenditures in support of Lesko.

In response to the MUR 7344 Complaint, CLA asserts that it properly reported the independent expenditures.

As explained below,

the Commission finds that there is no reason to believe that CLA failed to file a 24- or 48-Hour report.

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## II. FACTUAL BACKGROUND

In December 2017, Debbie Lesko, then a State Senator in Arizona, became a candidate in the 2018 special election for the U.S. House seat from Arizona's Eighth District.<sup>2</sup> On January 10, 2018, CLA registered with the Commission as an IEOPC.<sup>3</sup>

According to  
CLA's reports, on January 29, 2018,  
it disseminated mailers supporting Lesko that cost  
\$20,193.50 and paid \$7,581 for road signs supporting Lesko.<sup>5</sup> CLA disclosed its disbursement  
for the mailers on a 48-hour independent expenditure ("IE") report filed on January 31, 2018

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<sup>2</sup> See Debbie Lesko's Statement of Candidacy (Dec. 21, 2017). Lesko won the special primary election of the Republican Party for United States Congress on February 27, 2018 and the special general election for United States Congress on April 24, 2018. See [https://azsos.gov/sites/default/files/2018\\_0307\\_official\\_canvass\\_special\\_primary\\_election.pdf](https://azsos.gov/sites/default/files/2018_0307_official_canvass_special_primary_election.pdf) and <https://azsos.gov/about-office/media-center/press-releases/826>. Lesko was re-elected to Congress in November 2018.

<sup>3</sup> See CLA Statement of Organization (Jan. 10, 2018).

<sup>5</sup> CLA disseminated the road signs on February 2, 2018. See CLA Amended 2018 Pre-Special Election Report at 8. Both the mailers and yard signs included the phrase "Debbie Lesko for Congress." See MUR 7344 Compl., Attach.

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### **III. LEGAL ANALYSIS**

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The Complaint in MUR 7344 alleges that CLA placed between 400 and 600 road signs that cost between \$20,000 and \$25,000, but failed to file a 24- or 48-Hour IE Report for the road signs.

CLA responds that the road signs cost well under \$10,000, so a 48-Hour Report was not required, and a 24-Hour Report was not required because the signs were disseminated outside the time window for such reports.<sup>29</sup>

A person (including a political committee) that makes or contracts to make independent expenditures<sup>30</sup> aggregating \$10,000 or more within a calendar year with respect to a given election any time prior to the 20th day before the election, must file a report, known as a 48-Hour Report, disclosing those expenditures within 48 hours of the communication's public distribution or dissemination.<sup>31</sup> A person (including a political committee) that makes or contracts to make

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<sup>29</sup> CLA Resp. at 1.

<sup>30</sup> An independent expenditure is an expenditure that expressly advocates the election or defeat of a clearly identified Federal candidate and that is not made in concert or cooperation with, or at the request or suggestion of, the candidate or his or her committee or agent, or a political party committee or its agent. 52 U.S.C. § 30101(17).

<sup>31</sup> 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2). A person must file additional reports within 48 hours after each time it makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to a given election. *Id.*

independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the date of an election must file a 24-Hour Report disclosing those expenditures.<sup>32</sup>

According to CLA's reports, it spent \$7,581 on the road signs, and it paid for them on January 29, 2018. Thus, the expenditure was less than the \$10,000 threshold for 48-Hour Reports and outside of the 20-day window for 24-Hour Reports. Accordingly, the Commission finds that there is no reason to believe that CLA violated 52 U.S.C. § 30104(g).

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<sup>32</sup> 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 104.4(c). A person must file additional reports within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$1,000 with respect to a given election. *Id.*