

**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

August 24, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Linda Migliore

Goodyear, AZ 85395

RE: MUR 7344

Dear Ms. Migliore:

On July 23, 2019, the Federal Election Commission (“Commission”) reviewed the allegations in your complaint dated March 13, 2018, and found that on the basis of the information provided in your complaint, and information provided by the Conservative Leadership for Arizona and Tim Sifert in his official capacity as treasurer (“Committee”), there is no reason to believe the Committee violated 52 U.S.C. § 30104(g) by failing to file a 24- or 48-Hour report of independent expenditures. On July 27, 2021, the Commission dismissed the allegation that the Committee violated 52 U.S.C. § 30120(a) by using an inappropriate disclaimer. Accordingly, on July 27, 2021, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which more fully explains the Commission’s no reason to believe finding in MUR 7344, is enclosed. The redacted portions of this document relate to another matter before the Commission.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission’s dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

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

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Mark Allen

BY: Mark Allen
Assistant General Counsel

Enclosure
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.

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.² On January 10, 2018, CLA registered with the Commission as an IEOPC.³

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.⁵ CLA disclosed its disbursement
for the mailers on a 48-hour independent expenditure ("IE") report filed on January 31, 2018

² 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 and <https://azsos.gov/about-office/media-center/press-releases/826>. Lesko was re-elected to Congress in November 2018.

³ See CLA Statement of Organization (Jan. 10, 2018).

⁵ 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.²⁹

A person (including a political committee) that makes or contracts to make independent expenditures³⁰ 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.³¹ A person (including a political committee) that makes or contracts to make

²⁹ CLA Resp. at 1.

³⁰ 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).

³¹ 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.³²

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).

³² 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.*