

ActBlue366 SUMMER STREET
SOMERVILLE, MA 02144PHONE 617.517.7600
FAX 617.517.7601

SECURE.ACTBLUE.COM

April 17, 2018

Federal Election Commission
Mr. Jeff S. Jordan
Office of Complaints Examination & Legal Administration
Attn: Kathryn Ross, Paralegal
999 E Street, NW
Washington, DC 10463

cela@fec.gov
jjordan@fec.gov

Re: MUR 7347

Dear Mr. Jordan:

ActBlue is in receipt of a complaint filed by The Committee to Protect the President, designated Matter Under Review # 7347 by the Federal Election Commission ("FEC" or "the Commission"), and this response is filed on behalf of ActBlue. For the reasons set forth below, the Commission should find that ActBlue has not violated the Federal Election Campaign Act of 1971 as amended ("the Act") nor any Commission regulations with respect to this complaint. Therefore, ActBlue respectfully requests that no action be taken against it and the complaint against it be dismissed.

1. ActBlue

ActBlue is registered with the Commission as a non-connected federal committee and works to increase grassroots participation in the financing of political campaigns. ActBlue operates and maintains the website www.actblue.com, which provides Internet-based tools, including contribution forms for Democratic candidates and committees to solicit and process contributions. ActBlue acts as an intermediary, within the meaning of 2 USC § 441a(a)(8), for individual contributions made on the website to Democratic candidates and committees. ActBlue does not solicit contributions for any candidate or committee other than itself.

2. The Complaint

In the complaint, the complainant states that on March 9, 2018, End Citizens United, a non-connected qualified multi-candidate committee, sent an email with a fundraising solicitation for both itself and the principal campaign committee of Conor Lamb, who was at the time a candidate for Congress. The complainant states that the fundraising email contained links to a contribution form hosted on ActBlue's website. The complainant then alleges that both the email as well as the contribution form itself violated the Act's contribution limitations because the complainant believes the contribution form might allow a contributor to allocate their contribution between the two entities in such a way that one committee would receive contributions in excess of the limits.

3. ActBlue Forms that Process Contributions Earmarked for Multiple Committees Comply with Commission Regulations

The complaint does not allege that ActBlue violated any specific provision of the Act or Commission regulation, nor does it allege any specific cause of action against ActBlue itself. The complainant merely asserts their suspicion that the contribution form to which the fundraising emailed linked would allow an excessive contribution to be made if certain conditions were met and the contributor entered information on the form in a certain way. This is simply not true.

The default allocation on a contribution form like the one that is the subject of this complaint is to split the contribution evenly between the multiple committees listed on the form. In the event that an individual attempts to make a contribution that would exceed contribution limits for either of those committees, as the complainant describes, the contribution will fail to process and the individual will receive a notification from the website indicating the failure, and no excessive contribution will result. See, Complaint pp. 6 - 7. The software that powers the ActBlue website and contribution forms has been built specifically to comply with regulations, including preventing excessive contributions from being processed. As a result, no excessive contribution has been made through the form and the claim asserted in Allegation 8 could not have occurred and certainly did not occur. See, Complaint p. 7.

The type of contribution form that is the subject of this complaint has been referred to by ActBlue as a "Split It Box." In September 9, the Commission issued an Advisory opinion in response to a request from ActBlue regarding contributions earmarked for multiple candidates and specifically approved the use of the Split It Box on contribution forms. See, AO - . ActBlue thoroughly described the mechanics of the Split It Box to the Commission and the Commission approved the use of this tool on contribution forms.

. Conclusion

For the foregoing reasons, the Commission should dismiss the complaint against ActBlue.

Respectfully submitted,



Melissa Flores
Deputy General Counsel

Digitally signed
by Kathryn Ross
Date: 2018.04.17
15:33:42 -04'00'



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Statement of Designation of Counsel

Provide one form for each Respondent/Witness
Note: You May E-Mail Form to: CELA@fec.gov

CASE: _____

Name of Counsel: _____

Firm: _____

Address: _____

Telephone: (_____) _____ **Fax:** (_____) _____

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.

	<i>E. Hill</i>	
Date	Signature	Title

RESPONDENT: _____
(Committee Name/Company Name/Individual Named In Notification Letter)

MAILING ADDRESS:

Telephone:(H): _____ **(W):** _____

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 receiving the notification or the person with respect to whom the investigation is made.