



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Melissa Flores, Esq.
Deputy General Counsel
ActBlue
366 Summer Street
Somerville, MA 02144

AUG 01 2019

RE: MUR 7347
ActBlue and Erin Hill in her
official capacity as treasurer

Dear Ms. Flores:

On March 20, 2018, the Federal Election Commission notified your clients, ActBlue and Erin Hill in her capacity as treasurer, ("Committee") of a complaint in MUR 7347.

On July 23, 2019, the Commission found, on the basis of the information in the complaint, and information provided by the Committee, that there is no reason to believe that the Committee violated the Act. Accordingly, the Commission closed its file in this matter as it pertains to the Committee. The Factual and Legal Analysis, explaining the Commission's finding, is enclosed.

The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109 (a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

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

Sincerely,


Mark Allen
Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: ActBlue and Erin Hill MUR 7347
in her official capacity as treasurer

I. INTRODUCTION

The Complaint makes allegations regarding End Citizens United’s dissemination of a fundraising solicitation via email from Conor Lamb, a candidate in a special congressional election in Pennsylvania. For the reasons discussed below, the Commission finds no reason to believe that ActBlue, which administered the webpage through which the contributions were made, violated the Federal Election Campaign Act of 1971, as amended, (the “Act”).

II. FACTUAL BACKGROUND

ActBlue and Erin Hill in her official capacity as treasurer (“ActBlue”) is a “hybrid” political committee with a “Carey” non-contribution account¹ that acts as an intermediary for individual contributions made on its website to Democratic candidates and committees.² Conor Lamb was the Democratic candidate for the United States House of Representatives in Pennsylvania’s special election for the 18th Congressional District held on March 13, 2018. End Citizens United (“ECU”) is a multicandidate committee registered with the Commission.³

The Complaint contains a copy of an email dated March 9, 2018, that purports to be from Conor Lamb, refers to his special election, and asks for online donations: “My Special Election is virtually tied,” “Republicans are outspending us,” “I still need 9,103 donations before

¹ See ActBlue Miscellaneous Report (Form 99) (Oct. 20, 2011).

² ActBlue Resp. at 1.

³ See ECU Amended Statement of Organization at 2 (Jan. 24, 2019).

tomorrow's budget deadline," "If we fall short, we'll lose," "[P]lease rush an online donation now."⁴ The email contains a series of hypertext links to donate amounts ranging from \$5 to \$100 and an unspecified "Other Amount."⁵ The name "Conor" appears at the bottom of the message along with a disclaimer stating, "Paid For By End Citizens United PAC (endcitizensunited.org) and Not Authorized By Any Candidate or Candidate's Committee."⁶

The email also contains a link to a separate donation page titled "End Citizens United," <http://act.endcitizensunited.org/Elect-Lamb>, and the Complaint includes images of the linked donation page.⁷ The donation page states "Rush \$5 or whatever you can afford directly to Conor Lamb's campaign:" followed by a note, "Your contribution will be divided evenly between Conor Lamb and End Citizens United[.] Click here to allocate amounts differently." These statements are followed by dollar figures ranging from \$15 to \$1,000 and a fill-in blank amount.⁸ A box titled "Contribution rules" states that contributions to ECU "are subject to the contribution limits and prohibitions of federal law. Contributions that exceed \$5,000 in the aggregate in a calendar year will be deposited in End Citizens United's non-federal account."⁹ The "Contribution rules" do not refer to contributions to the Lamb Committee. Finally, a disclaimer at the bottom of the page reads "Paid for by ActBlue (actblue.com) and not authorized by any candidate or candidate's committee."¹⁰

⁴ Compl. Ex. A. The full "From" line reads "Conor Lamb [<mailto:admin@endcitizensunited.org>][.]" *Id.*

⁵ Compl. Ex. A.

⁶ *Id.*

⁷ *Id.*

⁸ Compl. Ex. B. See <http://act.endcitizensunited.org/Elect-Lamb>.

⁹ Compl. Ex. B.

¹⁰ *Id.*

MUR 7347 (ActBlue)
Factual and Legal Analysis
Page 3 of 3

III. LEGAL ANALYSIS

The Complaint names as a Respondent, but makes no specific allegations as to, ActBlue. Based on the available information regarding ActBlue's actions as alleged in this Complaint, the Commission finds no reason to believe that ActBlue violated the Act in connection with the allegations in this Complaint.