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May 16, 2018

**VIA EMAIL**

Kathryn Ross  
Paralegal  
Federal Election Commission  
Office of Complaints Examination and Legal Administration  
1050 First Street, NE  
Washington, DC 20463

Re: MUR 7354

Dear Ms. Ross:

We submit this response to your letter dated March 30, 2018 transmitting MUR 7354 on behalf of the Remember Mississippi Political Action Committee (the "PAC"), and Tommy Barnett as Treasurer. Neither Remember Mississippi, State Senator Chris McDaniel ("Senator McDaniel" or the "Candidate"), nor Friends of Chris McDaniel (the "McDaniel Campaign"), violated the Federal Election Campaign Act ("FECA")

Complainant's allegations are wholly meritless with respect to alleged impermissible campaign contributions made by Remember Mississippi to State Senator Chris McDaniel's federal campaign for Senate. At the core of their allegations are three non-federal fundraising events hosted by Remember Mississippi where Senator McDaniel appeared as a special guest, which they claim constituted "campaign events that were exclusively devoted to supporting McDaniel's candidacy." (Complaint at paragraph 42.) As addressed further below, Complainants mischaracterize each of the several fully-compliant activities organized by Remember Mississippi, whereby a candidate for federal office permissibly appeared at a non-federal, non-

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commercial fundraising event. Further, Complainants additional allegations regarding the formation of the PAC allege non-existent directions from the Candidate, which are belied by sworn statements to the contrary.

### **Statement of Facts**

Remember Mississippi PAC was formed on May 24, 2017 as an independent expenditure only committee, without connection to any federal candidate.<sup>1</sup> As stated on their website, “Remember Mississippi was formed to provide support and a voice to Mississippi GOP voters who have been all too often ignored by the Washington D.C. Establishment” with a goal to “help true conservatives win!”<sup>2</sup> The PAC seeks to do this by “equipping citizens across the state to take action to help conservatives win, and educating voters about the most pressing issues facing Mississippi.”

The PAC was founded by individuals seeking to increase conservative representation primarily at the federal level in Mississippi. Melanie Sojourner, the original director of the PAC, formerly served as a state senator in Mississippi, where she maintained a consistently conservative record<sup>3</sup>. Susan Perkins, the initial treasurer for the PAC, was a member of the Jones County Republican Women’s Group and supported Senator McDaniel’s 2014 campaign for U.S. Senate.<sup>4</sup> Ms. Perkins also worked as a secretary at Hortman, Harlow, Bassi, Robinson &

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<sup>1</sup> Statement of Organization for Remember Mississippi (Committee ID # C00641423), Filing FEC-1164051 (May 24, 2017) *available at* <http://docquery.fec.gov/cgi-bin/forms/C00641423/1187937/> (“The committee intends to make independent expenditures, and consistent with the U.S. Court of Appeals for the District of Columbia Circuit decision in *SpeechNow v. FEC*, it therefore intends to raise funds in unlimited amounts. This committee will not use those funds to make contributions, whether direct, in-kind, or via coordinated communications, to federal candidates or committees.”)

<sup>2</sup> “About Us”, *Remember Mississippi*, <https://www.remembermississippi.org/about-us> (last accessed May 9, 2018).

<sup>3</sup> Affidavit of Melanie Sojourner, annexed hereto as “Exhibit A” (hereinafter “Sojourner Aff.”) at 2.

<sup>4</sup> Affidavit of Susan Perkins, annexed hereto as “Exhibit B” (hereinafter “Perkins Aff.”) at 3.

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McDaniel, PLLC along with Senator McDaniel.<sup>5</sup> As affirmed by their sworn affidavits, neither Ms. Sojourner nor Ms. Perkins was directed by Senator McDaniel to establish the PAC; moreover, Senator McDaniel was not a candidate for federal office throughout all of 2017.<sup>6</sup>

In support of its goal to elect proven conservative candidates, a central focus of the PAC throughout the second half of 2017 was to urge Senator McDaniel to run to succeed Roger Wicker as one of Mississippi's two United State Senators. Senator McDaniel is widely known throughout Mississippi as a staunch conservative based on his unsuccessful 2014 Senate campaign, as well as his distinguished career in the Mississippi State Senate. Given this, his name was widely floated as a potential anti-establishment challenger for Senator Wicker.<sup>7</sup> To help in this mission and their broader goal of electing strong conservatives, Remember Mississippi established a Facebook page and Twitter account, released generic communications, and began soliciting donations from well-established conservative donors. Prior to July of 2017, the PAC raised funds but did not expend any funds on advertising or promoting its position or any federal candidate.<sup>8</sup>

At the outset of the new year and as the March 1 deadline for declaring candidacy approached, Senator McDaniel was widely discussed in the media as a potential candidate to either challenge Senator Wicker for his seat or, later on when it became apparent that Senator Cochran would retire, to fill the seat he would vacate; however, throughout this period, Senator

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<sup>5</sup> Perkins Aff. at 3.

<sup>6</sup> Perkins Aff at 4, 5; Sojourner Aff. at 5, 7.

<sup>7</sup> Charlie Mitchell, *McDaniel Out for Wicker Seat*, HATTIESBURG AMERICAN, April 30, 2017, <https://www.hattiesburgamerican.com/story/opinion/columnists/2017/04/30/mcdaniel-wicker-seat/101094040/>; Alan Lange, *Two New Polls put U.S. Sen. Roger Wicker (R-MS) with 25+ Point Lead over Hypothetical Opponent*, Y'ALL POLITICS, May 16, 2018, <http://yallpolitics.com/index.php/yp/post/47086>; Alexander Bolton, *Picking 2018 Candidates Pits McConnell vs. GOP Groups*, THE HILL (D.C.), April 19, 2017, <http://thehill.com/homenews/senate/329403-picking-2018-candidates-pits-mcconnell-vs-gop-groups>.

<sup>8</sup> Mid Year Report of Receipts and Disbursements for Remember Mississippi (Committee ID # C00641423), Filing FEC-1177096 (July 31, 2017) available at <http://docquery.fec.gov/cgi-bin/forms/C00641423/1177096>.

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McDaniel continued to maintain by his words and deeds that he had not yet decided to run.<sup>9</sup> And the complaint failed to allege any facts to indicate that McDaniel was a federal candidate prior to his public announcement. Rather, it tries to claim the activities of the PAC were chargeable to McDaniel as his campaign operation, without regard to the absence of any legally sufficient evidence to support such a claim.

As described in the sworn affidavit of Christopher Britton, the PAC, acknowledging the impending declaration deadline to file as a candidate in Mississippi and the increasing likelihood of Senator McDaniel running, began producing its own printed materials that advocated for the election of Senator McDaniel, including yard signs, placards, t-shirts, and bumper stickers.<sup>10</sup> All of these materials clearly indicated that they were produced by Remember Mississippi, included all required disclaimers, and were promptly reported to the FEC as reportable expenditures.<sup>11</sup>

Shortly after Senator McDaniel announced his candidacy on February 28, the PAC began organizing events to further their goals of promoting the PAC and of electing true conservatives to federal office. The first set of these events were planned for March 9th, 10th, and 11th and would feature Senator McDaniel as a special guest.<sup>12</sup> Each of these free events consisted of a meal accompanied by speeches by local politicians, local citizens, local thought leaders, and

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<sup>9</sup> See Adam Ganucheau, *McDaniel Still Coy About Senate Run with One Month Till Deadline*, *Mississippi Today*, Feb. 2, 2018, <https://mississippitoday.org/2018/02/02/mcdaniel-still-coy-senate-run-one-month-till-deadline/>; Emily Wagster Pettus, *Will Chris McDaniel Take On Roger Wicker? March 1 Deadline Looms*, *JACKSON CLARION LEDGER*, Feb 24, 2018, <https://www.clarionledger.com/story/news/politics/2018/02/24/chris-mcdaniel-run-against-roger-wicker-march-1-deadline-looms/370156002/>; Jonathan Martin, *Mississippi Firebrand Appears Set to Challenge Republican Senator From Right*, *N.Y. Times*, February 26, 2018, <https://www.nytimes.com/2018/02/26/us/politics/mississippi-mcdaniel-wicker-primary-fight.html> (“After months of speculation about his intentions, Mr. McDaniel said in a Facebook video Monday night that he would reveal his decision at a hometown rally in Ellisville, Miss., on Wednesday, the day before the filing period to run in 2018 comes to an end”).

<sup>10</sup> Affidavit of Christopher Britton, annexed hereto as “Exhibit C” (hereinafter “Britton Aff.”) at 9.

<sup>11</sup> Quarterly Report of Receipts and Disbursements for Remember Mississippi (Committee ID # C00641423), Filing FEC-1177096, Schedule E (April 15, 2018) available at <http://docquery.fec.gov/cgi-bin/forms/C00641423/1222651>

<sup>12</sup> See Event Invitations from Remember Mississippi to State Senator Chris McDaniel, annexed hereto as “Exhibit D”

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political figures, including speeches by Senator McDaniel. While the PAC provided the venue, food, and supportive printed materials, the vast majority of speakers at the events were invited guests.<sup>13</sup> Moreover, although the event invitation provided an opportunity to pay \$25 to the PAC in exchange for prime seating at the events, there was no opportunity to donate to Senator McDaniel's campaign at any of the events and no funds were solicited for Senator McDaniel's campaign.<sup>14</sup> Indeed, as noted by Mr. Briton in his affidavit, the PAC did not have credit card readers, a cash box, or any other equipment required to process contributions, nor did it distribute or collect contribution forms at the events.<sup>15</sup>

**Remember Mississippi did not make impermissible campaign contributions by virtue of its March 9th, 10th, or 11th events.**<sup>16</sup>

Under FECA, federal candidates are subject to numerous restrictions on their activities; however, they are permitted to appear at events organized by independent committees or

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<sup>13</sup> Britton Aff. at 14.

<sup>14</sup> The language cited by Complainants in support of their contention that donations were solicited were made by Mayor Hal Marx of Petal, Mississippi in statements that were not reviewed or endorsed by the Committee. *See* Affidavit of Hal Marx, annexed hereto as "Exhibit E" (hereinafter "Marx Aff"), at 5. Even so, the statements also do not directly solicit donations, but instead indicate that the audience needs to make sure their friends and coworkers "know how to contribute to the campaign." Thus, Mayor Marx simply called on the audience to obtain information rather than asking them to make a contribution as the complaint would have you believe. By analogy, the complaint would have us believe that telling people to learn how to swim in the future is the same as telling them to jump in the pool now. Moreover, there was no vehicle to contribute directly to the McDaniel campaign, nor were there contribution forms for the McDaniel campaign available at any of the PAC events; *see also* Affidavit of Tommy Barnett, annexed hereto as "Exhibit F" (hereinafter "Barnett Aff.") at 3 ("In connection with these events, I advised campaign officials that they could not collect contributions").

<sup>15</sup> Britton Aff. at 17.

<sup>16</sup> Under prior Commission precedent, allegations that are countered by sworn testimony to the contrary do not create a reason to believe a violation of federal election law occurred. *See, e.g.* MUR 5999 (Freedom's Watch and NRCC), Notification with Factual and Legal Analysis to Freedom's Watch at 7 (Dec. 15, 2008) *available at* <http://eqs.fec.gov/eqsdocsMUR/29044223107.pdf> ("Given that there is no probative information of coordination, and [Respondent] has provided specific sworn denials of the existence of coordination, there is no basis to open an investigation in this matter."); MUR 5774 (MoveOn.org Voter Fund) Factual and Legal Analysis Regarding Alleged Coordination of Expenditures at 4 (Dec. 12, 2006), *available at* <http://eqs.fec.gov/eqsdocsMUR/000058F5.pdf> (Finding no reason to believe Respondent violated the act in the form of coordinated expenditures because "[i]n contrast to the rather vague allegations contained in the complaint, [Respondent's] response 2 includes declarations specifically denying each of the elements that would satisfy the 'conduct' 3 standards"); MUR 5609 (Club for Growth) First General Counsel's Report (Aug. 8, 2005), *available at* <http://eqs.fec.gov/eqsdocsMUR/00004846.pdf> (Allegations of coordination that were contradicted by sworn statement that no coordination occurred insufficient basis for investigation).



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corporations at which non-Federal funds are solicited.<sup>17</sup> The rules permit a candidate to “attend, speak at, or be a featured guest at a non-Federal fundraising event” and Solicit funds at a non-Federal fundraising event, provided that the solicitation is limited to funds that comply with the amount limitations and source prohibitions of the Act and that are consistent with State law.”<sup>18</sup>

Candidates are further permitted to engage in promotion of such non-federal fundraising events, allowing federal candidates to “approve, authorize, agree to, or consent to the use of the Federal candidate's or officeholder's name or likeness in publicity for a non-Federal fundraising event that does not contain a solicitation” or for “a non-Federal fundraising event that solicits only funds that comply with the amount limitations and source prohibitions of the Act.”<sup>19</sup>

Even if publicity does solicit non-federal funds, a federal candidate’s likeness can appear if (A) the candidate is identified as a featured guest, honored guest, special guest, featured speaker, or honored speaker, or in any other manner not specifically related to fundraising” and (B) the publicity includes a clear and conspicuous disclaimer that the solicitation is not being made by the Federal candidate or officeholder.”<sup>20</sup> In the 2010 rulemaking associated with this provision, the Commission reasoned that since “the statutory ban on soliciting soft money does not prohibit a Federal candidate or officeholder from attending, speaking at, or being a featured guest at a State, district, or local party committee's non-Federal fundraising event, then the statutory ban

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<sup>17</sup> 11 C.F.R. § 300.64.

<sup>18</sup> 11 C.F.R. § 300.64 (b).

<sup>19</sup> 11 C.F.R. § 300.64 (c).

<sup>20</sup> 11 C.F.R. § 300.64; *accord*, A.O. 2015-09 (Senate Majority Pac and House Majority PAC) (Nov. 13, 2015) *available at* <https://www.fec.gov/files/legal/aos/2015-09/2015-09.pdf> (approving Requestor’s proposed event where “[t]he written invitation would identify the federal candidate as a “special guest” and state that funds would be solicited by Requestors or the Single-Candidate Committees and not the federal candidate. . .” and “[a] host would introduce the federal candidate to the attendees, and the federal candidate would make “formal remarks.”)

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also does not prohibit the same person from engaging in the same activities at any other non-Federal fundraising event.”<sup>21</sup>

Nearly all of Complainant’s allegations here rely on the premise that the events on March 9th, 10th, and 11th were campaign events for Senator McDaniel rather than non-Federal fundraising events; however, none of their supposed evidence of this supports such a conclusion. Each of the Facebook and Eventbrite posts they cite to indicate that the events were “Fish Fries” or lunches, free events that included “good food and a great discussion of our county’s future.”<sup>22</sup> In each of these advertisements, Senator McDaniel is identified as a “special guest” of the Committee, with no indication that he or his campaign was involved with the organization of the event.<sup>23</sup> While the Eventbrite page contained—along with a conspicuous disclaimer indicating that all donations were to the PAC—an opportunity for individuals who had already confirmed attendance at the events to reserve seating or Remember Mississippi-produced materials in exchange for a small donation, none of the advertisements or publicity statements made by either Remember Mississippi or Senator McDaniel contain any solicitation of funds for Senator McDaniel’s campaign.<sup>24</sup>

As described by Christopher Britton in his sworn affidavit, the events were planned and executed by Remember Mississippi in order to increase awareness of the organization, develop a base of donors and volunteers for future fundraising and electioneering events, assess the views of the public as to various pertinent issues in Mississippi, and to distribute PAC designed and

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<sup>21</sup> *Participation by Federal Candidates and Officeholders at Non-Federal Fundraising Events*, 75 FR 24375-01 at 24376.

<sup>22</sup> Complainant’s Exhs. A, D, J, K.

<sup>23</sup> *Id.*

<sup>24</sup> Eventbrite pages for Remember Mississippi events, annexed hereto as “Exhibit G”.

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paid for promotional signs and bumper stickers.<sup>25</sup> The events were organized around presentations by various local citizens, thought leaders, and elected officials, who outlined the various issues at play in the state, with a keynote address given by Senator McDaniel. The vast majority of the speakers at the events, including Senator McDaniel, were unaffiliated with the PAC;<sup>26</sup> further, the PAC played no role in the preparation of their remarks and maintained no oversight over what the speakers ultimately said.<sup>27</sup> Additionally, as described by Mr. Britton in his sworn affidavit, all signs and materials were produced by the PAC independently of the Campaign, in anticipation of Senator McDaniel's eventual announcement as a candidate.<sup>28</sup> Mr. Britton ordered the aforementioned materials on February 26, 2018, a scant two days prior to the McDaniel declaration of his candidacy, and three days prior to the deadline for such declaration, fully in compliance with applicable Commission guidance.<sup>29</sup>

To support their contention that the event was a "campaign event" rather than a non-Federal fundraising event, Complainant cite to advisory opinions of the Commission from the 1980s and 1990s, issued long before the 2010 rulemaking regarding candidate participation in fundraising events, that speak to scenarios where corporate and non-profit actors sought clarification as to when promotional or fundraising events would constitute a contribution.<sup>30</sup>

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<sup>25</sup> Britton Aff. at 10.

<sup>26</sup> Britton Aff. at 13.

<sup>27</sup> Britton Aff. at 16.

<sup>28</sup> Britton Aff. at 9.

<sup>29</sup> "The Commission notes, however, that [the restriction on the use of a candidate's name] only applies to the titles of the Committee's projects. The Committee is free to promote Senator Sanders (or any other candidate) by name in the body of any website or other communication." A.O. 2015-04 at \*3 (Collective Actions PAC) (July 16, 2015) *available at* <https://www.fec.gov/files/legal/aos/2015-04/AO-2015-04.pdf>.

<sup>30</sup> See, e.g. A.O. 1996-11 (NRL) (May 20, 1996) *available at* <https://www.fec.gov/files/legal/aos/1996-11/1996-11.pdf> (Incumbent officials speaking at not-for-profit organization's annual convention); A.O. 1994-15 (Byrn) (Incumbent official hosting a weekly television program on corporate network); A.O. 1992-37 (Terry) (Candidate for federal office hosting a daily radio show); A.O. 1992-6 (New York Speakers Bureau/Duke) (Feb. 14, 1992) *available at* <https://www.fec.gov/files/legal/aos/1992-06/1992-06.pdf> (Presidential candidate appearing at university



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None of these cases comport with the changes in regulation in the intervening decades. For example, A.O. 1996-11 (National Right to Life), an opinion relied on heavily by Complainant, deals with whether candidates for federal office are permitted to appear at a non-federal fundraising event for a politically-oriented non-profit organization; in its opinion, the Commission expressly stated that financing a speaking activity would be considered a contribution if the candidate was involved with the solicitation of contributions to their campaign.<sup>31</sup> However, the 2010 rulemaking made such requests permissible if the candidate expressly limited said request to federal funds, such that they would not be rendered a contributed campaign event.<sup>32</sup> Given that the standards under the regulations have change significantly in the intervening years, it is inappropriate to apply those earlier standards to current conduct.

Additionally, in more recent opinions, the Commission has expressly endorsed precisely the type of event organized by the PAC. In A.O. 2015-09 (Senate Majority PAC and House Majority PAC), requestor sought clarification on whether a candidate could be featured as a special guest at a PAC sponsored event. In its opinion, the Commission stated that such an event would be permissible where: (i) the written invitation identified the federal candidate as a “special guest” (ii) A host would introduce the federal candidate to the attendees, and the federal candidate would make “formal remarks,” thereby satisfying section 300.64(b)(1)” and “in accordance with section 300.64(b)(2), the federal candidate would make known to the attendees,

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speaking series); A.O. 1988-27 (Mediavision) (July 15, 1988) *available at* <https://www.fec.gov/files/legal/aos/1992-06/1992-06.pdf> (Payment of honorarium to Incumbent candidate appearing at PAC fundraising event).

<sup>31</sup> A.O. 1996-11 (NRL) (May 20, 1996) *available at* <https://www.fec.gov/files/legal/aos/1996-11/1996-11.pdf> (

<sup>32</sup> “Under new 11 CFR 300.64(b)(2), Federal candidates and officeholders may solicit funds at non-Federal fundraising events, provided that the solicitation is limited to funds that comply with the limitations and prohibitions of the Act and that are consistent with State law.” *Participation by Federal Candidates and Officeholders at Non-Federal Fundraising Events*, 75 FR 24375-01

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in a clear and conspicuous manner, that he or she is not soliciting nonfederal funds.”<sup>33</sup> If, as Complainant asserts, such an event would constitute a contribution, it would be impossible for any candidate to appear at any event soliciting non-federal funds, as the costs for such events would dramatically exceed federal contribution limits, and directly contravene the aforementioned regulations and Commission guidance. Moreover, there was no need for special signage regarding contribution limitation because no federal funds were being solicited at or prior to the events; rather, contributions to the PAC were sought in advance in connection with preferential seating and, at the event itself, PAC volunteers and supporters were sought, from whom the PAC would solicit funds during subsequent follow-up communications;<sup>34</sup> it is axiomatic that collecting contact information and identifying supporters and future donors is critical to successful political activity.<sup>35</sup> The only direct solicitation of funds at any of the events were spontaneous requests for charitable contributions to Homes of Hope for Children, a not-for-profit organization dedicated to serving children in crisis throughout Mississippi by providing strong Christian homes, rather than funds for any specific political committee, whether federal or non-federal.<sup>36</sup>

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<sup>33</sup> A.O. 2015-09 (Senate Majority Pac and House Majority PAC) (Nov. 13, 2015) *available at* <https://www.fec.gov/files/legal/aos/2015-09/2015-09.pdf>; *accord* A.O. 2011-12 at \*4 (Majority PAC and House Majority PAC) (June 30, 2011) *available at* <https://www.fec.gov/files/legal/aos/2011-12/AO-2011-12.pdf> (“Yes, Federal officeholders and candidates, and officers of national party committees, may attend, speak at, or be featured guests at fundraisers for the Committees, at which unlimited individual, corporate, and labor organization contributions will be solicited, so long as the officeholders, candidates, and officers of national party committees restrict any solicitations they make to funds subject to the limitations, prohibitions, and reporting requirements of the Act.”).

<sup>34</sup> Britton Aff. at 10; Barnett Aff. at 2.

<sup>35</sup> Even prior to the 2010 rulemaking, a broad approach has been taken to what constitutes a “fundraising event.” In MUR 5918 (Romney for President), an event, where attendants pre-paid \$15 individually to the Delaware State Republican Committee prior to a “Meet and Greet” with Presidential Candidate Governor Mitt Romney, was considered a fundraiser despite no indication that funds were directly sought at the event. Moreover, the Commission found no reason to believe that the event constituted an in-kind contribution to Governor Romney’s campaign. MUR 5918 (Romney for President) Notification with Factual and Legal Analysis to Romney for America (Dec. 12, 2006).

<sup>36</sup> Britton Aff. at 17; Barnett Aff. at 2.

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Moreover, applying the standards Complainants propose to events organized for the benefit of independent expenditure only committees would render such events impossible. As an independent expenditure only committee, a central purpose of the PAC is to promote the election or defeat of candidates for federal and state office. As such, common activities, such as placement of advertising and production of printed materials supporting or opposing a candidate, would be express advocacy. Following Complainant's allegations, independent expenditure only committees would be forbidden from hosting any events where a candidate they supported would speak, or otherwise distributing literature or placing advertisements to support a federal candidate when doing so does not involve improper coordination. As the Commission has never held that this is the case, and the rules expressly permit candidates to attend such events and permit independent expenditure only committees to promote candidates, it would be impossible to hold the PAC to that imaginary standard.<sup>37</sup>

As the PAC's events on March 9th, 10th, and 11th were independent non-Federal fundraising events rather than campaign events, they would not constitute in kind contributions to the Campaign. Therefore, the Commission should find no reason to believe the PAC violated federal election law by hosting these events.

### **The PAC was Established Independently of Senator McDaniel**

Complainants also allege that the PAC was founded at the direction of Senator McDaniel as grounds for finding him to be a candidate prior to his announcement on February 28, 2018; this allegation, however, has no basis in fact.

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<sup>37</sup> 11 CFR 300.64(b)(1); Participation by Federal Candidates and Officeholders at Non-Federal Fundraising Events, 75 FR 24375-01 ("New 11 CFR 300.64(b)(1) provides that Federal candidates and officeholders may attend, speak at, and be featured guests at non-Federal fundraising events.").

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As described in sworn affidavits, both Susan Perkins and Melanie Sojourner indicate that Senator McDaniel had no input in the foundation of the PAC. Melanie Sojourner has long worked in conservative politics and has dedicated her career in public life to advancing conservative causes. Susan Perkins has long supported conservative causes as a member of the Jones County Republican Women's Club and has worked in the past as a volunteer for the campaigns of conservative candidates.<sup>38</sup> As a result of their ties to the conservative movement, they began the PAC and solicited donations from major national conservative donors in support of candidates like Senator McDaniel. Both Ms. Sojourner and Ms. Perkins attest to the fact that Senator McDaniel was not involved in the strategic decision making of the PAC and did not directly solicit funds for the PAC.<sup>39</sup>

Although both Ms. Sojourner and Ms. Perkins have personal ties to Senator McDaniel, those ties are insufficient for them to have been considered agents of him or his campaign at the time of the PAC's formation. Under federal election law, "agents" are defined as "any person who has actual authority, either express or implied . . . to solicit, receive, direct, transfer, or spend funds in connection with any election."<sup>40</sup> In its explanation and justification for this rule, the Commission emphasized that "it is not enough that there is some relationship or contact between the principal and agent; rather, the agent must be acting on behalf of the principal to create potential liability for the principal . . ." ensuring ". . . that liability will not attach due solely to the agency relationship, but only to the agent's performance of prohibited acts for the principal."<sup>41</sup> Here, as attested to by their sworn affidavits, neither Ms. Perkins nor Ms. Sojourner

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<sup>38</sup> Perkins Aff. at 2, 3.

<sup>39</sup> Perkins Aff. at 4, 5; Sojourner Aff. at 5, 6.

<sup>40</sup> 11 C.F.R. 300.2(b)(3).

<sup>41</sup> *Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money*, 67 FR 49064 at 49083; accord A.O. 2003-10 (Reid) (June 16, 2003) available at <https://www.fec.gov/files/legal/aos/2003-10/2003-10.pdf>

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was authorized by Senator McDaniel to raise funds on his behalf, nor received any implied authorization to do so.<sup>42</sup> In the absence of such authorization, Complainants intimations concerning past friendship with or private sector employment by Senator McDaniel are entirely unavailing.

Additionally, Complainants allegations related to Senator McDaniel's knowledge of proprietary PAC information, namely the amount of donations received prior to reporting to the FEC, are belied by public reporting of the large donations received by the PAC. Currently, the PAC has reported receipt of \$1,353,444.90.<sup>43</sup> Of that amount, \$1,099,745.00 was received in 2017 and publicly reported by the PAC in its 2017 year-end report.<sup>44</sup> Subsequently, the PAC received a \$250,000 donation from Richard Uihelin, which was reported on in both the state and local press and subsequently included in the PAC's Quarterly Report for the First Quarter of 2018<sup>45</sup>. It is not unreasonable that Senator McDaniel would be aware of published news reports of receipts of PACs, nor that he could perform the basic arithmetic to surmise that the PAC had raised approximately 1.4 million by early February from those published reports.

Moreover, it is clear from the communications released by the PAC that no potential proprietary campaign information was received by the PAC. In its various public communications leading up to Senator McDaniel's announcement, the PAC regularly

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("Commissioner Reid, as a prominent state official in Nevada, may at different times act in his capacity as an agent on behalf of the State Party and act as an agent on behalf of Senator Reid.")

<sup>42</sup> Perkins Aff. at 4; Sojourner Aff. at 5.

<sup>43</sup> *Committee Profile – Remember Mississippi (I.D. C00641423)*, FEC.GOV (May 16, 2018, 2:00 PM) <https://www.fec.gov/data/committee/C00641423/>.

<sup>44</sup> Year End Report of Receipts and Disbursements for Remember Mississippi (Committee ID # C00641423), Filing FEC-1204662 (January 30, 2018) available at <http://docquery.fec.gov/cgi-bin/forms/C00641423/1204662/>.

<sup>45</sup> Fredreka Schouten, *Group Challenging Mississippi Sen. Roger Wicker Banks \$1 Million*, USA TODAY, January 30, 2018. <https://www.usatoday.com/story/news/politics/onpolitics/2018/01/30/group-challenging-mississippi-sen-roger-wicker-banks-1-million/1080647001/> ("Uihlein donated another \$250,000 this month to the pro-McDaniel group"); Quarterly Report of Receipts and Disbursements for Remember Mississippi (Committee ID # C00641423), Filing FEC-1177096 (April 15, 2018) available at <http://docquery.fec.gov/cgi-bin/forms/C00641423/1222651>.

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encouraged Senator McDaniel to seek the nomination; and the complaint failed to allege any legally sufficient evidence that the PAC did so in coordination with Mr. McDaniel, who wasn't even a federal candidate until February 28, 2018. On December 18, 2017, Remember Mississippi released an open letter to Senator McDaniel, signed by 49 grassroots conservative activists, requesting that Senator McDaniel "please consider running for United States Senate next year," and indicating that "Mississippi conservatives want you to run and will throw our unwavering support to you should you undertake this critical endeavor."<sup>46</sup> As late as February 26, when it was widely reported that Senator McDaniel was planning on announcing his candidacy, Remember Mississippi Treasurer Tommy Barnett stated that the PAC "certainly hope[d] Chris McDaniel challenges Senator Wicker."<sup>47</sup> At no point prior to his announced candidacy did they state or imply that Senator McDaniel was actually running.

It is also worth noting that in Advisory Opinion 2015-09, the Commission was asked, "If an individual who would not otherwise be a candidate, participates in the formation of a Single-Candidate Committee (either directly or through agents), whose purpose is to support the individual's prospective candidacy, is the Single-Candidate committee barred from raising or spending soft money after the individual becomes a candidate? Would the answer be the same if the individual or his or her agents ask, request, or appoint the individual who would exercise control over the Single-Candidate committee?"<sup>48</sup> The Commission could not answer the question with the required four votes, nor has it answered the question since the date of that opinion. As such, how could the Remember Mississippi PAC, which wasn't formed at the

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<sup>46</sup> Tommy Barnett, et al. Letter to Senator McDaniel from Grassroots Conservative Leaders (Dec. 18, 2017) available at <https://www.remembermississippi.org/wp-content/uploads/2017/12/RM-Grassroots-Letter.pdf>.

<sup>47</sup> Simone Pathé, *Mississippi's Chris McDaniel Expected to Announce Senate Bid*, ROLL CALL (D.C.), Feb. 26, 2016, <https://www.rollcall.com/news/politics/mississippis-chris-mcdaniel-expected-announce-senate-bid>

<sup>48</sup> A.O. 2015-09 (Senate Majority Pac and House Majority PAC) (Nov. 13, 2015) available at <https://www.fec.gov/files/legal/aos/2015-09/2015-09.pdf>.



Kathryn Ross  
May 16, 2018  
Page 15

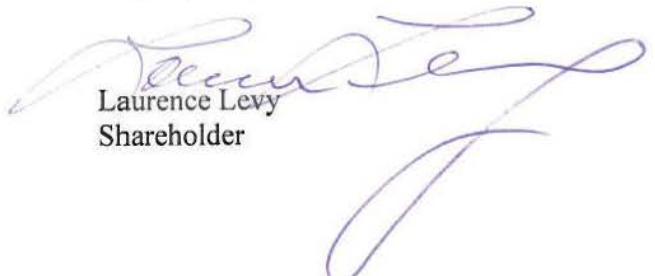
direction of Mr. McDaniel and isn't even a single candidate-candidate committee, possibly be held to have violated the regulations based on its activity to date and the sworn affidavits appended to this response?

Given that the PAC regularly released public statements indicating an unawareness of whether Senator McDaniel intended to run, that Senator McDaniel's repeated public statement prior to February 28 indicating that he had not yet decided to run, sworn statements by the PAC's founders indicating no input from Senator McDaniel, and no evidence presented to the contrary by Complainant, the Commission should find no reason to believe that the PAC was founded on or acting under orders of Senator McDaniel.

**Conclusion**

On the basis of the foregoing, the Commission should find no reason to believe Remember Mississippi, Tommy Barnett, or Senator Chris McDaniel committed a violation of federal election law or regulations and therefore the complaint should be dismissed and the file closed.

Best regards,



Laurence Levy  
Shareholder

LL:ejp  
Attachments

**EXHIBIT A**

Affidavit of Melanie Sojourner

**BEFORE THE FEDERAL ELECTION COMMISSION****MUR 7354**

I, Melanie Sojourner, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Remember Mississippi PAC to MUR 7354; it is provided to the best of my recollection.

1. I am the former director of Remember Mississippi, a political action committee supporting strong conservative leadership for Mississippi.
2. Prior to working for the PAC, I represented the 37th District in the Mississippi state senate from 2011 to 2015. Throughout my time in office, I supported strong conservative policies that promoted traditional values and a respect for our State's history.
3. While in the Senate, I served with Senator Chris McDaniel, a strong conservative voice with whom I agree on most policy positions. As a result of this, I agreed to serve as his campaign manager when he ran for the United States Senate in 2014 against Thad Cochran.
4. As the campaign season for the 2018 election began to heat up in early 2017, it became apparent that a strong conservative voice was missing from the race. Senator McDaniel, one of the most vocal and visible conservative candidates in the state, was being regularly floated as a potential candidate to challenge the more moderate Senator Wicker.
5. Although Senator McDaniel had not decided whether or not he would be running, I decided to establish a political action committee to encourage and support traditional conservative candidates in Mississippi for federal office, including State Senator

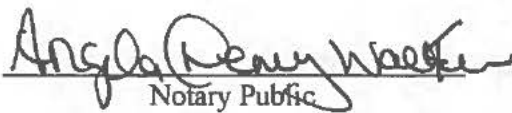
McDaniel. In consultation with others in the conservative movement, I founded the PAC with Susan Perkins on May 24, 2017. At no point did I receive direction from Senator McDaniel about the formation of the PAC.

6. While involved with the operation of the PAC, we spent money on communications dedicated to supporting conservative principles and encouraging Senator McDaniel to run for the Senate. We also engaged in fundraising efforts from national conservative activists, who sought to draft Senator McDaniel into the race. Fundraising activities were run by Fred Cooper. I continued to serve as the director of the PAC until October 17, 2017, when we decided to retain a dedicated staff for the PAC.
7. At no point through my leadership of the PAC was Chris McDaniel a candidate for federal office.

Dated: May 4, 2018

  
Melanie Sojourner

Subscribed and sworn to before me this 4th day of May,  
2018

  
Notary Public

(Seal)



**EXHIBIT B**

Affidavit of Susan Perkins

**BEFORE THE FEDERAL ELECTION COMMISSION****MUR 7354**

I, Susan Perkins, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Remember Mississippi PAC to MUR 7354; it is provided to the best of my recollection.

1. I am the former treasurer of Remember Mississippi, a political action committee supporting strong conservative leadership for Mississippi. In support of this goal, the PAC operates by making independent expenditures in support of candidates who support strong conservative leadership.
2. I am a member of the Jones County Republican Women's Group. I support Senator McDaniel because of his values, the Constitution, and family.
3. I am employed as a part-time assistant to Senator McDaniel by Hortman, Harlow, Bassi, Robinson & McDaniel, PLLC, a law firm in Laurel, Mississippi, beginning in 2015. I met Senator McDaniel, who is a member of the firm during his 2014 U S Senate campaign. I volunteered to help in the campaign and my main duties were sending out thank you letters to the donors. I was grateful to have the opportunity to work for someone whom I agreed with when it comes to major political issues and supported in his run for the Senate in 2014.
4. On May 24th, 2017, I was asked to sign paperwork with the Federal Election Commission to establish Remember Mississippi. It listed myself as the initial treasurer



for the PAC. At no point did I receive direction from Senator McDaniel about the foundation of the PAC.

5. Until I stepped down as treasurer on October 17, 2017, I was not involved in the daily operations of the PAC; most of the day-to-day activity was run by Melanie Sojourner and fundraising activities were conducted by Fred Cooper. Senator McDaniel was not involved in the management or operation of the PAC and to the best of my knowledge did not directly solicit funds for the PAC.
6. At no point through my time as PAC treasurer was Chris McDaniel a candidate for federal office.

Dated: May 7, 2018

*Susan Perkins*  
Susan Perkins

Subscribed and sworn to before me this 7th day of May,  
2018

*Patricia Ann Bird*  
Notary Public



**EXHIBIT C**

Affidavit of Christopher Britton

**BEFORE THE FEDERAL ELECTION COMMISSION****MUR 7354**

I, Christopher Britton, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Remember Mississippi PAC to MUR 7354; it is provided to the best of my recollection.

1. I am a political consultant with 365 Strategies, a full service political consulting firm that has assisted multiple campaigns at the national, state, and local level. 365 Strategies provides assistance with campaign management, strategy, direct mail, creative development, and all other aspects of campaign execution. The firm's clients have included, among others, Governor Greg Abbott, David Dewhurst for Senate, Dave Garrison for Congress, and Senator Robert Nichols.
2. Prior to founding 365 Strategies and working with a prior political consulting firm, I was active as volunteer in the state Republican Party of Texas including serving as a committee chair at multiple state Republican Party of Texas Conventions, precinct chair, senate convention organization chair, and local party standing committee chair. In addition, I have also served as an election judge.
3. I have advised, or been the Executive Director of political campaigns and PACs, including, but not limited to, Keep the Promise PAC in the 2016 election cycle.
4. Due to my prior experience with Keep the Promise PAC and other PAC's in the 2016 cycle, one of my colleagues Dennis Sternitsky suggested my name to Melanie Sojourner to assist with the operations of Remember Mississippi PAC.

5. In my conversations with Ms. Sojourner, she indicated that both she, Mrs. Susan Perkins, and another PAC contractor Richard Burke would like to transition out of their roles with the PAC. Ms. Sojourner indicated that Tommy Barnett was willing to assume the role of treasurer.
6. In support of Tommy Barnett becoming treasurer of Remember Mississippi PAC, I organized a formal transition and separation from the prior treasurer Susan Perkins and PAC contractors Melanie Sojourner and Richard Burke. These activities included identification and transmission of PAC tax documents, bank account records (including completion of new signature cards), FEC Form 1, PAC contributions and expenditure record details, active contracts, and fundraising prospects. Barnett's appointment as treasurer was filed on October 17, 2017. The transition activities were completed on or about November 15, 2017.
7. The PAC also retained legal and compliance counsel as well as began negotiating and executing contracts with additional vendors. Contracts for these vendors all include specific provisions reinforcing compliance with federal election law, including a prohibition on impermissible coordination.
8. In accordance with Mississippi State Law [Miss. Code Ann. §§23-15-299(3), 23-15-299(4)(b), 23-15-359(3)], the Mississippi Secretary of State established the qualifying period for U.S. Senate candidates between January 2, 2018 and March 1, 2018. During this period, multiple news articles covered a potential Chris McDaniel bid for the GOP nomination for U.S. Senate or, in the likely event of retirement by Sen. Cochran, the state's other U.S. Senate position. McDaniel himself conducted a Facebook live event on February 26 teasing a big announcement later that week. The

PAC had been monitoring the situation closely and publicly encouraging Senator McDaniel to consider either choice.

9. In the days leading up to the March 1 Qualifying Deadline—and to be prepared- on or about February 26, 2018—I made the decision to move forward with purchase of signage and bumper stickers knowing that they would be useful with either office or potentially discarded if McDaniel opted not to run for either office. These stickers and signs were designed by our paid vendors, without any input from State Senator McDaniel and prior to the formation of his nascent campaign.
10. After the McDaniel announcement on February 28, 2018, Remember Mississippi proceeded with organizing events in Tupelo, Ellisville, and Gulfport, for early March. These events were intended to raise awareness of the PAC, provide a forum for the distribution of PAC material, create a PAC library of public comments about the election for future use, develop a base of support in the individual communities, and assist in the assembling of voter lists that could be used to aid future fundraising and outreach efforts. We were not actively requiring donations to attend the event and did not have materials on site to accept donations at the events themselves, but we did solicit and accept donations prior to and following the events.
11. As soon as the locations were reserved, I reached out to Susan Perkins on March 1 to confirm who would be the appropriate contact to extend an invitation to Senator McDaniel. On March 2, I also reached out to John Yob who had been identified publicly in Politico as the campaign manager. I received a reply from Mr. Yob on the same day directing me to Melanie Sojourner whom I emailed invitations and details for each of the three events. Ms. Sojourner and I spoke briefly by phone to confirm

receipt of the email and tentatively confirmed Sen. McDaniel's availability. I received a confirmation email from Ms. Sojourner later that day.

12. I was advised by Tommy Barnett, the PAC Treasurer, that he emphasized in a conversation with the McDaniel staff that they could not collect contributions or distribute campaign material at the PAC events.
13. Around this time, we also confirmed the other speakers for the event. Each person approached were constitutional conservatives who supported the values and mission of Remember Mississippi. The speakers who accepted invitation included: former Mississippi Supreme Court candidate Steve Crampton, Pastor Terry Garret, former Mississippi State Senate candidate Pastor Dan Carr, Sr., Tupelo Tea Party leader and PAC regional director, Grant Sowell, Mayor of Petal Mississippi, Hal Marx, school Principal Jerel Wade, George Bogardus, Tommy Kelly, Pastor Denise Lane, McKay Pearce, Jonathan Carr, and Morris Hicks.
14. Remember Mississippi advertised these events through word of mouth, radio, and online. Interested parties were directed back to separate Eventbrite pages that were set up to collect contact information and to solicit funds for the PAC. Each Eventbrite page contained a statement informing visitors that "Remember Mississippi was formed to provide support and a voice to Mississippi GOP voters who have been all too often ignored by the Washington, D.C. Establishment. Our goal is to help true conservatives win! One of our primary goals in 2018 is to help Sen. Chris McDaniel win the GOP nomination for U.S. Senate."
15. For the Ellisville and Tupelo events, the Eventbrite pages stated: "Please join us for a Fish Fry Dinner with Special Guest Chris McDaniel, candidate for US Senate, on



Saturday, March 10, 2018 from 6:30PM to 8:30PM, (or Friday, March 9, 2018 from 6:30PM to 8:00PM). We'll have a fun evening with good food and a great discussion about our country's future!"

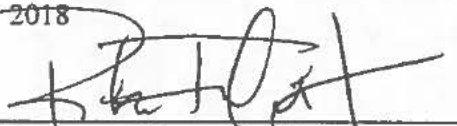
16. At each of the events, PAC staff invited members of the local community to participate in the event program. The PAC did not direct the content of any speakers' comments, or prepare written statements for any of the program participants to utilize when speaking. As each speaker was a member of the local community, and often a thought leader of said community, they were free to exercise their First Amendment Rights as they saw fit. Moreover, we allowed attendees to take pictures, or record portions of the events as they saw fit.

17. At the events, neither the PAC nor the Campaign actively solicited federal or non-federal political donations. We did not have materials necessary to accept donations—such as cash boxes, disclosure forms, or credit card readers—at any of the events. The only direct solicitation that occurred was for Homes of Hope for Children, a 501(c)(3) charitable organization with a mission "to serve children in crisis throughout Mississippi by providing strong, Christian homes to every child that lives on campus while ensuring that each child is loved unconditionally and has their physical, spiritual, and emotional needs met."

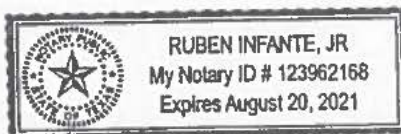
Dated: May 16, 2018

  
Christopher Britton

Subscribed and sworn to before me this 16th day of May,  
2018

  
Notary Public

(Seal)



NY 247343033v2

**EXHIBIT D**

Event Invitations for March 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> Events  
Sent to Senator Chris McDaniel by Remember Mississippi

Federal Election Commission  
RE: MUR No. 7354

## Tupelo Special Guest Invitation



Remember Mississippi PAC Special Guest Invitation		
Remember Mississippi PAC would like to invite <u>Senator Chris McDaniel</u> to participate in PAC sponsored events(s) as detailed below. In compliance with federal campaign finance guidelines, we will not be asking the Senator to solicit any funds in excess of federal source and amount limits. We are only asking him to appear as our guest and make a few remarks.		
Response Needed By: <b>Friday 3/2/18 Noon</b>		
Event Name: <b>Fish Fry Dinner with Special Guest Chris McDaniel</b>		
Location: <b>American Legion Post #49, 1875 Legion Lake Road, Tupelo, MS</b>		
Date: <b>3/9/18</b>	Start Time: <b>6:30pm</b>	End Time: <b>8:00pm</b>
Event Type: Public <input type="radio"/> Fundraise <input type="radio"/> Combination <input checked="" type="radio"/>		
Media Invited (Y/N): <b>Yes</b>		
PAC Contact Person: <b>Dan Tripp</b>		
Phone: <b>803-979-1951</b>	Email: <b>dt@remembermississippi.org</b>	
PAC Legal Counsel: <b>Larry Levy</b>		
Phone: <b>212-801-6796</b>	Email: <b>levyl@gtlaw.com</b>	
Tentative Schedule of Events (Run of Show provided prior to event) Event begins at 6:30. We will open with Pledge of Allegiance and National Anthem. After several local guests speak, TBD will introduce Sen. Chris McDaniel as our guest speaker at approximately 7:00pm. The Senator is invited to speak for 30 minutes and mingle with the attendees after the event.		
Notes: Event will feature a MS catfish fry. Estimated attendance 300 guests.		

Paid for by Remember Mississippi PAC. Not authorized by any candidate or candidate's committee.  
[www.RememberMississippi.org](http://www.RememberMississippi.org)

Federal Election Commission  
RE: MUR No. 7354

<b>Campaign Information (Please Complete)</b>	
Campaign Contact Person:	
Cell Phone:	Email:
Advance Staff:	
Cell Phone:	Email:
Campaign Legal Counsel:	
Phone:	Email:
Campaign Staff Attending:	
Notes:	

Federal Election Commission  
RE: MUR No. 7354

## Ellisville Special Guest Invitation



Remember Mississippi PAC Special Guest Invitation		
Remember Mississippi PAC would like to invite <u>Senator Chris McDaniel</u> to participate in PAC sponsored events(s) as detailed below. In compliance with federal campaign finance guidelines, we will not be asking the Senator to solicit any funds in excess of federal source and amount limits. We are only asking him to appear as our guest and make a few remarks.		
Response Needed By: <b>Friday 3/2/18 Noon</b>		
Event Name: <b>Fish Fry Dinner with Special Guest Chris McDaniel</b>		
Location: <b>DO Thomms Physical Fitness Center, 900 S. Court St. Ellisville, MS</b>		
Date: <b>3/10/18</b>	Start Time: <b>6:30pm</b>	End Time: <b>8:00pm</b>
Event Type: Public <input type="radio"/> Fundraise <input type="radio"/> Combination <input checked="" type="radio"/>		
Media Invited (Y/N): <b>Yes</b>		
PAC Contact Person: <b>Dan Tripp</b>		
Phone: <b>803-979-1951</b>	Email: <b>dt@remembermississippi.org</b>	
PAC Legal Counsel: <b>Larry Levy</b>		
Phone: <b>212-801-6796</b>	Email: <b>levyl@gtlaw.com</b>	
Tentative Schedule of Events (Run of Show provided prior to event) Event begins at 6:30. We will open with Pledge of Allegiance and National Anthem. After several local guests speak, TBD will introduce Sen. Chris McDaniel as our guest speaker at approximately 7:00pm. The Senator is invited to speak for 30 minutes and mingle with the attendees after the event.		
Notes: Event will feature a MS catfish fry. Estimated attendance 600-800 guests.		

Paid for by Remember Mississippi PAC. Not authorized by any candidate or candidate's committee.  
[www.RememberMississippi.org](http://www.RememberMississippi.org)

Federal Election Commission  
RE: MUR No. 7354

<b>Campaign Information (Please Complete)</b>	
Campaign Contact Person:	
Cell Phone:	Email:
Advance Staff:	
Cell Phone:	Email:
Campaign Legal Counsel:	
Phone:	Email:
Campaign Staff Attending:	
Notes:	



Federal Election Commission  
RE: MUR No. 7354

### Gulfport Special Guest Invitation



Remember Mississippi PAC Special Guest Invitation		
Remember Mississippi PAC would like to invite <u>Senator Chris McDaniel</u> to participate in PAC sponsored events(s) as detailed below. In compliance with federal campaign finance guidelines, we will not be asking the Senator to solicit any funds in excess of federal source and amount limits. We are only asking him to appear as our guest and make a few remarks.		
Response Needed By: <b>Friday 3/2/18 Noon</b>		
Event Name: <b>Sunday Lunch with Special Guest Chris McDaniel</b>		
Location: <b>Faith Baptist Church, 8467 Canal Road, Gulfport, MS</b>		
Date: <b>3/11/18</b>	Start Time: <b>1:00 pm</b>	End Time: <b>3:00pm</b>
Event Type: Public <input type="radio"/> Fundraise <input type="radio"/> Combination <input checked="" type="radio"/>		
Media Invited (Y/N): <b>Yes</b>		
PAC Contact Person: <b>Dan Tripp</b>		
Phone: <b>803-979-1951</b>	Email: <b>dt@remembermississippi.org</b>	
PAC Legal Counsel: <b>Larry Levy</b>		
Phone: <b>212-801-6796</b>	Email: <b>levyl@gtlaw.com</b>	
Tentative Schedule of Events (Run of Show provided prior to event) Event begins after church at approximately 1:00pm. We will open with Pledge of Allegiance and National Anthem. After several local guests speak, TBD will introduce Sen. Chris McDaniel as our guest speaker at approximately 1:30pm. The Senator is invited to speak for 30 minutes and mingle with the attendees after the event.		
Notes: Dan Carr will be organizing the luncheon with several local pastors and parishioners in Gulfport. The event will feature hamburgers and hot dogs. Estimated attendance is 300 guests.		

Paid for by Remember Mississippi PAC. Not authorized by any candidate or candidate's committee.  
[www.RememberMississippi.org](http://www.RememberMississippi.org)



Federal Election Commission  
RE: MUR No. 7354

<b>Campaign Information (Please Complete)</b>	
Campaign Contact Person:	
Cell Phone:	Email:
Advance Staff:	
Cell Phone:	Email:
Campaign Legal Counsel:	
Phone:	Email:
Campaign Staff Attending:	
Notes:	

**EXHIBIT E**

Affidavit of Hal Marx

**BEFORE THE FEDERAL ELECTION COMMISSION****MUR 7354**

I, Hal Marx, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Remember Mississippi PAC to MUR 7354; it is provided to the best of my recollection.


1. I am currently serving as the mayor of the City of Petal, Mississippi, a position I have held since 2009. Prior to serving as Mayor of Petal, I worked as a social studies teacher.
2. I am also running to serve as the next governor of Mississippi in 2019.
3. Throughout my political career, I have been a staunch advocate of limiting the scope of government activity and ensuring that traditional values remain a central focus of how our state and nation are run. It is for this reason that I have supported strong conservative candidates like Chris McDaniel throughout my career in public life.
4. On the basis of my deeply held conservative values and my relationship with the local grassroots organizing community, I was invited by Remember Mississippi to speak at an event they were planning for March 10th, 2018. The event, a fish fry, would be focused on increasing public engagement and developing support for the PAC, which promotes conservative values. I was offered the opportunity to introduce State Senator Chris McDaniel at the event, who had recently announced plans to run for the United States Senate.
5. While the PAC invited me to attend the event, they did not provide me with any written remarks and did not have any say in the comments I ultimately delivered. Rather, my comments were entirely my own and based on my conservative values, my support for

Remember Mississippi, and my respect and support for State Senator McDaniel's  
candidacy for federal office.

Dated: May 8, 2018

  
Hal Marx

Subscribed and sworn to before me this 8th day of May,  
2018

  
Notary Public



**EXHIBIT F**

Affidavit of Tommy Barnett


**BEFORE THE FEDERAL ELECTION COMMISSION****MUR 7354**

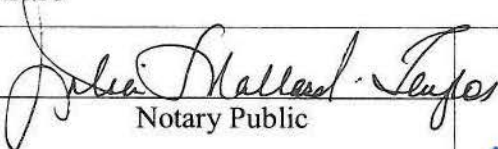
I, Tommy Barnett, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Remember Mississippi PAC to MUR 7354; it is provided to the best of my recollection.

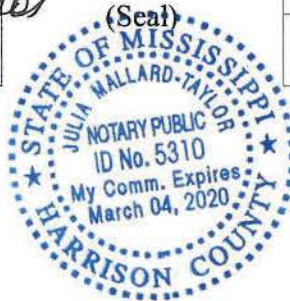
1. I am the treasurer of Remember Mississippi PAC, a position I have held since October 17, 2017.
2. After the McDaniel announcement on February 28, 2018, Remember Mississippi proceeded with confirming events in Tupelo, Ellisville, and Gulfport. These events were intended to raise awareness of the PAC, provide a forum for the distribution of PAC material, create a PAC library of public comments about the election for future use, develop a base of support in the individual communities, and assist in the assembling of voter lists that could be used to aid future outreach efforts, including solicitation of contributions. We were not actively requiring donations to attend the event, but we did solicit and accept donations prior to and after the events.
3. In connection with these events, I advised Campaign officials that they could not collect contributions or distribute campaign materials at the PAC events. Distributed materials were limited to those produced by and for the PAC.
4. Additionally, I personally provided closing remarks at the event in Gulfport. At no time during my remarks did I solicit donations to either the Campaign or the PAC.

5. At no point before, during, or after these events did Senator McDaniel solicit contributions for the PAC; moreover, at no point during the event did Senator McDaniel directly solicit donations for his Campaign.
6. The only solicitation for donations during these events came during the Ellisville event, and were made on behalf of Homes of Hope for Children, a 501(c)(3) charitable organization with a mission "to serve children in crisis throughout Mississippi by providing strong, Christian homes to every child that lives on campus while ensuring that each child is loved unconditionally and has their physical, spiritual, and emotional needs met."
7. Throughout my time as Treasurer, the PAC has not provided Senator McDaniel with any proprietary, non-public information on the PAC's strategic or fundraising efforts, nor has Senator McDaniel participated in any strategic or fundraising decision making of the PAC.

Dated: May 17, 2018

  
Tommy Barnett

Subscribed and sworn to before me this 17th day of May, 2018	
 Notary Public	





**EXHIBIT G**

Eventbrite Invitation Page for March 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> Events

This event has ended.

**REMEMBER MISSISSIPPI**  
INVITES YOU TO A

**FISH FRY DINNER**

**SALES ENDED**

**MARCH 9 @6:30PM in TUPELO, MS**

*with special guest*  
**CHRIS McDANIEL**

**American Legion Post #49**  
1875 Legion Lake Road | Tupelo, MS

**RSVP BELOW**

PAID FOR BY REMEMBER MISSISSIPPI PAC. NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE. WWW.REMEMBERMISSISSIPPI.ORG

MAR  
09

Tupelo Fish Fry Dinner with Special Guest Chris McDaniel

by Remember Mississippi PAC



Details

DESCRIPTION

Please join us for a Fish Fry Dinner with Special Guest Chris McDaniel, candidate for US Senate, on Friday, March 9, 2018 from 6:30PM to 8:00PM. We'll have a fun evening with good food and a great discussion about our country's future!

DATE AND TIME

Fri, March 9, 2018

6:30 PM – 8:00 PM CST

TAGS

LOCATION

American Legion Post #49  
1875 Legion Lake Road  
Tupelo, Mississippi 38804  
[View Map](#)

Things To Do In Tupelo

Gala

Government

REFUND POLICY

No Refunds



## Remember Mississippi PAC

Organizer of Tupelo Fish Fry Dinner with Special Guest Chris McDaniel

[Website](#) [remembermiss18](#) [@RememberMiss18](#)

Remember Mississippi was formed to provide support and a voice to Mississippi GOP voters who have been all too often ignored by the Washington D.C. Establishment. Our goal is to help true conservatives win! One of our primary goals in 2018 is to help Sen. Chris McDaniel win the GOP nomination for U.S. Senate.

Paid for by Remember Mississippi PAC. Not authorized by any candidate or candidate's committee. [www.RememberMississippi.org](http://www.RememberMississippi.org)

[PROFILE](#)

[CONTACT](#)





## Details



## Help Us Help Chris - Reserved Seating

SALES ENDED

\$25.00 \$3.45 FEE

Please help us defray the cost of this event and spread the word about Chris McDaniel. Your donation helps us spread the word about Chris McDaniel and his run for US Senate! Thank you. By making this contribution, you verify: 1. You are a United States citizen or an individual lawfully admitted with permanent residence status (e.g., a "green card holder"), 2. This contribution is made from the funds of the donor identified above, and not those of another, 3. The donor is not a foreign national who lacks permanent resident status in the United States, and 4. This contribution is not made from the treasury of an entity or person who is a federal contractor (does not apply to personal contributions by individual employees, shareholders or officers of federal contractors). Contributions to Remember Mississippi are not deductible as charitable contributions for Federal income tax purposes. Remember Mississippi is registered with the Federal Election Commission as an independent expenditure only committee. Our spending and communications are independent, and we do not coordinate our communications or expenditures with, or make contributions to, any candidates or political parties. We may accept unlimited contributions from individuals, corporations, and other organizations. Federal law prohibits contributions from foreign nationals and federal government contractors. \*Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in a calendar year." Paid for by Remember Mississippi PAC. Not authorized by any candidate or candidate s committee. By accepting this ticket and attending this event, you consent to be photographed, filmed and/or otherwise recorded. Your attendance constitutes your consent to such photography, filming and/or recording and to any use, without payment, royalties, or your prior approval, in any and all media throughout the universe in perpetuity for any purpose whatsoever. You release Remember Mississippi PAC, its officers and employees, and each and all persons involved from any liability connected with the taking, recording, digitizing, or publication and use of interviews, photographs, computer images, video and/or or sound recordings. You understand that all photography, filming and/or recording will be done in reliance on this consent given by you by attending this event. If you do not agree to the foregoing, please do not attend.

[Hide Info](#)

## Dinner Ticket

SALES ENDED

FREE

[Show Info](#)

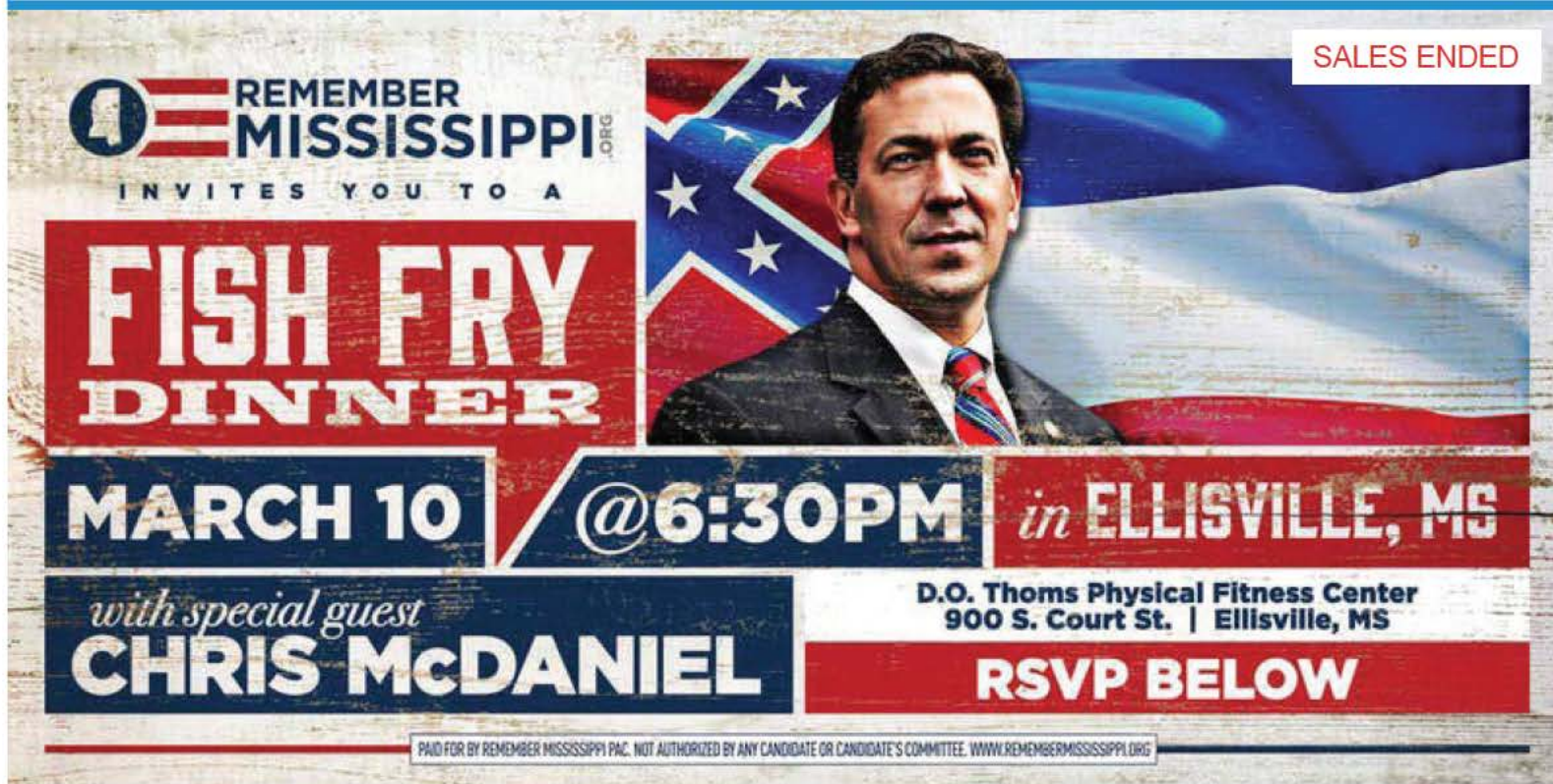
## Press and Media

SOLD OUT

FREE

[Show Info](#)

This event has ended.



MAR 10 Fish Fry Dinner with Special Guest Chris McDaniel (Jones County)  
by Remember Mississippi PAC

Details

#### DESCRIPTION

Please join us for a Fish Fry Dinner with Special Guest Chris McDaniel, candidate for US Senate, on Saturday, March 10, 2018 from 6:30PM to 8:30PM. We'll have a fun evening with good food and a great discussion about our country's future!

#### DATE AND TIME

Sat, March 10, 2018

6:30 PM – 8:30 PM CST

#### TAGS

#### LOCATION



DO Thoms Physical Fitness Center  
Jones County Junior College  
900 S. Court St.  
Ellisville, Mississippi 39437  
[View Map](#)

Things To Do In Ellisville

Gala

Government

REFUND POLICY

No Refunds



## Remember Mississippi PAC

Organizer of Fish Fry Dinner with Special Guest Chris McDaniel (Jones County)

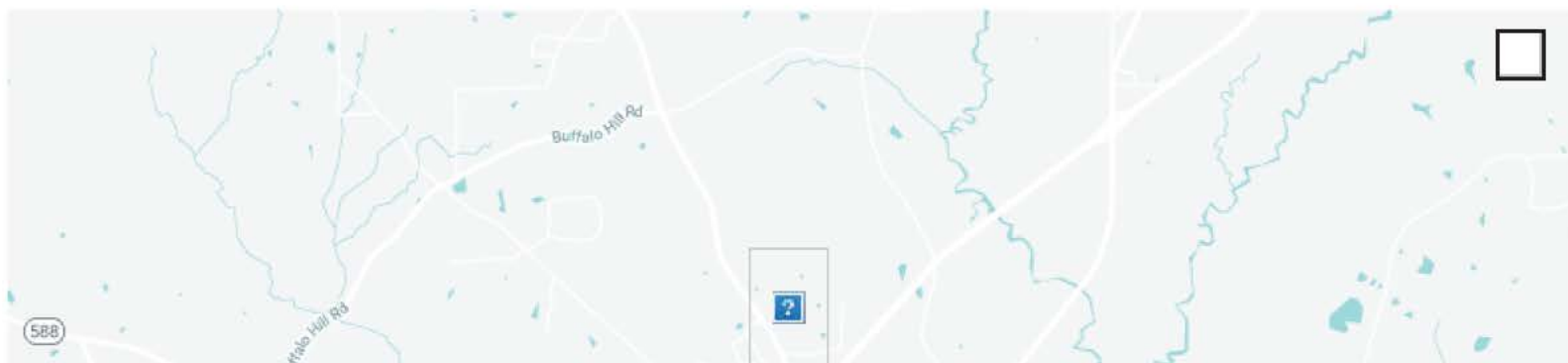
☐ [Website](#) ☐ [remembermiss18](#) ☐ [@RememberMiss18](#)

Remember Mississippi was formed to provide support and a voice to Mississippi GOP voters who have been all too often ignored by the Washington D.C. Establishment. Our goal is to help true conservatives win! One of our primary goals in 2018 is to help Sen. Chris McDaniel win the GOP nomination for U.S. Senate.

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[PROFILE](#)

[CONTACT](#)



## Details



## RSVP - Dinner Admission

SALES ENDED

FREE

[Show Info](#)

## Help Us Help Chris - Reserved Seating

SALES ENDED

\$25.00 \$3.45 FEE

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[Hide Info](#)

## Press and Media

SALES ENDED

FREE

[Show Info](#)



This event has ended.



MAR 11 Sunday Lunch with Special Guest Chris McDaniel  
by Remember Mississippi PAC

Details

DESCRIPTION

Please join us for a special lunch for pastors and parishioners at Faith Baptist Church in Gulfport. The lunch will include hamburgers and hot dogs. State Senator Chris McDaniel will be the featured guest speaker.

DATE AND TIME

Sun, March 11, 2018  
1:00 PM – 3:00 PM CDT

TAGS

LOCATION

Faith Baptist Church  
8467 Canal Road  
Gulfport, MS 39503  
[View Map](#)

Things To Do In Gulfport, MS

Gala

Government



## Remember Mississippi PAC

Organizer of Sunday Lunch with Special Guest Chris McDaniel

☐ [Website](#) ☐ [remembermiss18](#) ☐ [@RememberMiss18](#)

Remember Mississippi was formed to provide support and a voice to Mississippi GOP voters who have been all too often ignored by the Washington D.C. Establishment. Our goal is to help true conservatives win! One of our primary goals in 2018 is to help Sen. Chris McDaniel win the GOP nomination for U.S. Senate.

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[PROFILE](#)

[CONTACT](#)

[VIEW MAP](#)





## Details



## Help Us Help Chris

SALES ENDED

\$25.00 \$3.45 FEE

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[Hide Info](#)

## RSVP - with Meal

SALES ENDED

FREE

## Press and Media

SALES ENDED

FREE

2180 North Loop West  
Suite 255  
Houston, TX 77018  
[www.najvarlaw.com](http://www.najvarlaw.com)



Digitally signed  
by Kathryn Ross  
Date: 2018.05.23  
16:34:39 -04'00'

Jerad Wayne Najvar  
O: 281.404.4696  
F: 281.582.4138  
[jerad@najvarlaw.com](mailto:jerad@najvarlaw.com)

May 22, 2018

Federal Election Commission  
Office of Complaints Administration and Legal Administration  
Attn: Kathryn Ross, Paralegal  
1050 First St., NE  
Washington, DC 20463  
*Via email: [cela@fec.gov](mailto:cela@fec.gov)*

**RE: MUR 7354**

Dear Ms. Ross:

I write on behalf of my clients, Friends of Chris McDaniel and Richard Conrad in his official capacity as treasurer of Friends of Chris McDaniel. Two statements of designation of counsel are being submitted contemporaneously with this letter.

Should the FEC find "reason to believe" that any violation occurred, I will file a full response on behalf of respondents at that stage of the process.

Please let me know if I can be of further assistance in the meantime.

Very respectfully,

A handwritten signature in black ink, appearing to read 'Jerad Najvar', is written over the typed name.  
Jerad Najvar



**FEDERAL ELECTION COMMISSION**  
 1050 First Street, NE  
 Washington, DC 20463

# STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL [cela@fec.gov](mailto:cela@fec.gov)

FAX 202-219-3923

MUR # 7354

Name of Counsel: Jerad Nayar

Firm: Nayar Law Firm, PLLC

Address: 2180 North Loop West, Ste. 255  
Houston, TX 77018

Telephone: 281-404-4696 Fax: 281-582-4138

E-mail: jerad@nayarlaw.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.

5/23/18 Richard Conrad Treasurer  
 Date Signature (Respondent/Agent) Title

**RESPONDENT:** Richard Conrad, as treasurer friends of Chris McDaniel  
 (Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: PO Box 491  
 (Please Print) Laurel, MS 39441

Telephone (H): \_\_\_\_\_ (W): \_\_\_\_\_  
 (C): \_\_\_\_\_

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.





FEDERAL ELECTION COMMISSION  
1050 First Street, NE  
Washington, DC 20463

# STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL [cela@fec.gov](mailto:cela@fec.gov)

FAX 202-219-3923

MUR # 7354

Name of Counsel: Jerad Najvar

Firm: Najvar Law Firm.

Address: 2180 North Loop West, Suite 255  
Houston, TX 77018

Telephone: 281-404-4696 Fax: \_\_\_\_\_

E-mail: jerad@najvarlaw.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.

5/16/18 Richard Conrad Treasurer  
Date Signature (Respondent/Agent) Title

RESPONDENT: Friends of Chris McDaniel  
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: P.O. Box 491  
(Please Print) Laurel, MS 39441

Telephone (H): \_\_\_\_\_ (W): \_\_\_\_\_  
(C): \_\_\_\_\_

E-mail: \_\_\_\_\_

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