

JONES DAY

51 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001-2118

TELEPHONE: +1.202.879.3939 • FACSIMILE: +1.202.626.1700

FEDERAL ELECTION COMMISSION

2018 OCT -4 PM 12: 46

CELA

October 3, 2018

CONFIDENTIAL
COMMUNICATION

VIA E-MAIL TO CELA@FEC.GOV

Federal Election Commission
Office of Complaints Examination & Legal Administration
Attn: Kathryn Ross
1050 First Street, N.E.
Washington, DC 20463

Re: Matter Under Review 7482

Dear Office of Complaints Examination & Legal Administration:

On behalf of Marsha for Senate and Ron Gant, as Treasurer, and Ward Baker, enclosed is a response to the Complaint in the above-captioned MUR.

Very truly yours,

/s/ E. Stewart Crosland

E. Stewart Crosland

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

)))
)))
)))

MUR 7482

**RESPONSE OF MARSHA FOR SENATE AND RON GANT, AS TREASURER,
AND WARD BAKER TO THE COMPLAINT**

Marsha for Senate and Ron Gant, as Treasurer (“the Campaign”), and Ward Baker, a consultant to the Campaign, hereby submit this joint response to the Complaint in the above-captioned MUR. The Complaint alleges that the Campaign and outside groups have engaged in prohibited coordination under 11 C.F.R. § 109.21. Yet it does not – and cannot – identify a single expenditure coordinated with the Campaign. *See* 11 C.F.R. § 109.21(a) (requiring there be a communication paid for by a third party). It instead points only to broad statements Mr. Baker made about outside groups in response to a question asking him to *predict* which independent groups likely would spend money in Tennessee’s 2018 general election for U.S. Senator. *See* Audio File Attachment to Complaint at 36:30 (“Who do you see from outside of Tennessee making this a place that they [spend money]?”). Mr. Baker, however, made clear that he had no non-public knowledge about any outside groups’ activities with respect to the Tennessee Senate election. *See* Compl. ¶ 7 (“At the end of the day, we try to figure out what we have to do to win this race on our own. If anyone else comes in, that’s great.”). The Commission has established that such “[p]urely speculative charges” will “not form the adequate basis to find reason to believe that a violation of [the Act] has occurred,” and the Commission should dismiss this Complaint and close the file immediately. First General Counsel’s Report, MUR 5467 (Michael Moore), at 5.