MUR759401102 5/13/19

BEFORE THE FEDERAL ELECTION COMMISSION

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RESPONSE OF MARSHA FOR SENATE AND RON GANT, AS TREASURER

Marsha for Senate and Treasurer Ron Gant (collectively, "the Campaign"), hereby submit this response to the Complaint in the above-captioned MUR, which the Commission should dismiss immediately as to the Campaign.

The Complaint wrongly alleges that the Campaign accepted contributions from Enbridge Inc., a foreign corporation, in violation of the ban on foreign national contributions. In reality, all of the contributions to the Campaign at issue in the Complaint came from Enbridge (U.S.) Inc. Political Action Committee, the FEC-registered separate segregated fund of Enbridge (U.S.) Inc., a U.S. domestic subsidiary of Enbridge Inc. The Commission has made clear that contributions from an SSF of a U.S. company are permissible on their face, *see*, *e.g.*, Advisory Opinion 1999-28 (Bacardi-Martini), and the Complaint presents no information indicating that Enbridge (U.S.) Inc.'s contributions to the Campaign – or the Campaign's acceptance thereof – violated the prohibition on foreign national contributions. Therefore, the Commission must dismiss the Complaint and close the file as to the Campaign. *See* 11 C.F.R. § 111.4(d)(3) (demanding that complaints present a "clear and concise recitation of the facts which describe a violation of statute or regulation over which the Commission has jurisdiction").

In fact, Enbridge (U.S.) Inc.'s publicly available policy on political contributions reflects a thorough understanding of the Commission's precedents and its compliance obligations in this regard. See Enbridge Inc. Political Contributions Policy, available at https://www.enbridge.com/~/media/Enb/Documents/Investor%20 Relations/CorporateGovernance/ENB Political Contributions Policy.pdf?la=en ("In the United States, eligible employees may choose to participate in the political process by voluntarily making contributions to the Enbridge (U.S.) Inc. Political Action Committee (Enbridge-DCP PAC) . . . Enbridge-DCP PAC is directed by a board of employees of both Enbridge (U.S.) Inc. and DCP Midstream, which makes all decisions regarding the PAC's political contributions.").

Respectfully submitted,

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