

BEFORE THE FEDERAL ELECTION COMMISSION

)
) **MUR 7646**
)

**RESPONSE OF SENATOR SUSAN COLLINS, COLLINS FOR SENATOR, AND
ELIZABETH MCCANDLESS AS TREASURER**

By and through undersigned counsel, Senator Susan Collins, Collins for Senator, and Elizabeth McCandless as Treasurer (collectively, the “Campaign” or “Respondents”) respond to the complaint filed in the above-captioned Matter Under Review. Filed by the Maine Democratic Party, the complaint is a purely partisan political stunt and lacks any allegations that the Respondents violated the Federal Election Campaign Act of 1971, as amended (“FECA” or the “Act”) or FEC regulations. The complaint simply contains a request that the Commission “should further investigate whether Senator Collins and Collins for Senator may have coordinated with 1820 PAC,” an independent-expenditure-only committee. Compl. at 5. Because the complaint does not allege any facts or other information suggesting coordination, Respondents respectfully request that the Commission find there is no reason to believe they violated the Act and dismiss them.

Indeed, the Commission should follow its longstanding precedent and dismiss the Respondents from this complaint as it has in several other matters where the complaint did not allege any facts suggesting coordination occurred. In MUR 6535, the Commission found no reason to believe Romney for President violated the Act where the complaint did not allege “that [the campaign] did anything inappropriate” and there was “nothing in the record showing that the communication at issue was coordinated with the Romney campaign.” Factual & Legal Analysis at 6. In MUR 6357, the Commission dismissed the Portman for Senate Committee because there was “no available information suggesting that there was a request or suggestion, material

involvement, or substantial discussion that took place between representatives” of the campaign and the group that aired the communication. Factual & Legal Analysis at 7. And, in MUR 6870, the Commission found no reason to believe the Thom Tillis Committee violated the Act because the information available in the record “d[id] not demonstrate that the Committee coordinated the creation or distribution of” the advertisement “or that it requested that [an outside group] use its video footage to create the advertisement.” Factual & Legal Analysis at 2.

The same logic applies here. The complaint does not allege any facts remotely suggesting the Campaign coordinated with 1820 PAC. The Commission may find a “reason to believe” only if a complaint contains factual allegations “which describe a violation of a statute or regulation over which the Commission has jurisdiction.” 11 C.F.R. § 111.4(d)(3). By contrast, “[p]urely speculative charges . . . do not form the adequate basis to find reason to believe that a violation of [law] has occurred.” First General Counsel’s Report, MUR 5467 (Michael Moore), at 5. The complaint does not even contain speculative charges that coordination occurred; rather, the complaint simply contains a request that the FEC “further investigate” whether there was coordination. Compl. at 5.

Furthermore, the Respondents cannot be liable for 1820 PAC’s alleged republication because such republication is only “considered a contribution for the purposes of contribution limitations and reporting responsibilities *of the person making the expenditure.*” 11 C.F.R. § 109.23(a) (emphasis added). “The candidate who prepared the campaign material does not receive or accept an in-kind contribution, and is not required to report an expenditure,” unless the republication is a coordinated communication. *Id.* The complaint (at 3-4) acknowledges that this is the law.

In light of the foregoing, the Commission should find no reason to believe the Respondents violated the Act and dismiss them.

Respectfully submitted,



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for Senator, and Elizabeth McCandless as
Treasurer*



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: 7646

Name of Counsel: Megan Sowards Newton; Stephen Kenny

Firm: Jones Day

Address: 51 Louisiana Ave., NW, Washington, DC 20001

Telephone: (202) 879-3939 Fax: (202) 626-1700

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.

10/24/2019 *Elizabeth J. McCandless* Treasurer
Date Signature Title

RESPONDENT: Elizabeth McCandless, in her official capacity as Treasurer
(Committee Name/Company Name/Individual Named In Notification Letter)

MAILING ADDRESS:

PO Box 1096, Bangor, ME 04402

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.



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Firm: Jones Day

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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.

<u>10/25</u>	<u><i>Susan M. Collins</i></u>	<u>Candidate</u>
Date	Signature	Title

RESPONDENT: Senator Susan Collins
(Committee Name/Company Name/Individual Named In Notification Letter)

MAILING ADDRESS:

PO Box 1096, Bangor, ME 04402

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

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