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November 19, 2019

Federal Election Commission
Office of Complaints Examination and Legal Admin.
Attn: Christal Dennis, Paralegal
Via email: cela@fec.gov

RE: MUR 7648 & MUR 7651

Dear Ms. Dennis:

I write on behalf of my client, Troy Nehls, in response to MUR 7648 and MUR 7651. These complaints provide no reason to believe that Nehls has violated any federal (or any other) regulations, and the complaints should both be dismissed.

MUR 7648

Nothing in the complaint indicates that Nehls has conducted any activities that exceed the parameters of the “testing the waters” regulations. *See* 11 C.F.R. §§ 100.72, 100.31. In fact, if anything, the complaint itself demonstrates that Nehls has acted fully within those regulations.

The original complaint refers to several news articles referencing the exploratory committee, every one of which reflects that Nehls is evaluating a potential candidacy and deciding whether to run.

The supplement to the complaint, filed October 30, refers first to a December 2017 article reporting that Nehls had paid for polling while exploring a potential race for Congress in the 2018 cycle. That is not evidence of any violation; Nehls was exploring a potential race against the incumbent Congressman at that time, and ultimately decided not to run. That was a separate election cycle. The supplement also attaches an invitation to a golf tournament fundraiser Nehls held on November 11 for his state sheriff officeholder/campaign account. The materials provided by the complainant herself demonstrate that this fundraiser was benefiting the state officeholder/campaign account and was paid for by that account. The complainant even attaches the most-recent state-law campaign finance report filed with Fort Bend County with respect to that account (filed July 12, 2019). Texas law allows local and state officeholders such as Nehls to collect and spend contributions not only for state campaign purposes, but also for expenses related to officeholder duties, *see* Tex. Elec. Code § 251.001(9) (defining “officeholder expenditure”), and Nehls’ activity is fully consistent with state law. This activity is not related to the federal exploratory activities, for which Nehls maintains a separate account.

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This complainant seems more concerned with the failed attempt to remove Nehls from office under the Texas constitutional “resign to run” provision than with any evidence that he has exceeded the parameters of the testing the waters regulations.

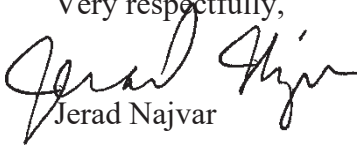
MUR 7651

MUR 7651 seems to state only that the complainant “believe[s]” that Nehls may be a candidate, but provides no further information other than a copy of Nehls’ own tweet from September 26, 2019, announcing that the exploratory committee has been formed. Nehls expressly stated in the tweet that he is “consider[ing]” running. The mere fact that Nehls received \$100,000 does not reflect an amount that is “in excess of what could reasonably be expected to be used for exploratory activities,” or that he “undert[ook] activities designed to amass campaign funds.” *See* 11 C.F.R. § 100.72(b)(2).

In short, there is no credible information reflecting any potential violation of the testing the waters regulations, and the Commission should dismiss both complaints.

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

Very respectfully,


Jerad Najvar