



March 10, 2020

VIA EMAIL TO CELA@FEC.GOV

Federal Election Commission
Office of Complaint Examination
and Legal Administration
1050 First Street NE
Washington, District of Columbia 20463

Attn: Kathryn Ross, Paralegal

MUR 7699: Response of Church for Wisconsin Inc.

To Whom It May Concern:

On behalf of Church for Wisconsin Inc. (the "Committee") and its treasurer, Paul Kilgore, I submit this response to the Complaint filed in MUR 7699 by Joanna Opela.

The Complaint alleges that the Committee violated the Federal Election Campaign Act (the "Act") by using a P.O. Box address for the candidate's Statement of Candidacy and the Committee's Statement of Organization, failing to file a Year-End Report, failing to file a timely financial disclosure statement and failing to comply with advertising disclaimer requirements. Compl. at 1. For the following reasons, the Commission should dismiss the Complaint.

1. **The Act Does Not Require a Physical Address on a Statement of Candidacy or a Statement of Organization.**

The Complaint alleges that the Committee violated the Act by using a P.O. Box as the address on its Statement of Organization and Mr. Church's Statement of Candidacy. Compl. at 1. However, the Act and Commission regulations do not prohibit the use of a P.O. Box on either form. In fact, Form 1 and Form 2 require only a mailing address, and the instructions for the forms do not specify that it must be a physical address. Federal Election Commission, *Instructions for Statement of Organization (FEC Form 1)*, p. 1; Federal Election Commission, *Instructions for Statement of Candidacy (FEC Form 2)*, p. 1.



Further, the Complaint argues that a physical address is necessary to prove a candidate's residency in the district. Compl. at 1. However, determination of a candidate's residency is not a matter within the scope of the Commission's jurisdiction—and even if it was, the Complainant misunderstands the Constitution's residency requirement for United States Representatives. U.S. Const., art. I, § 2, cl. 2.

2. **The Commission Waived the Year-End Report Requirement for the Special Primary in Wisconsin's 7th District.**

The Complaint alleges that the Committee failed to file its Year-End Report on January 31, 2020. Compl. at 1. The Committee did not file a Year-End Report because the Commission waived this requirement for authorized committees participating in Wisconsin's 7th District Special Primary. *Filing Dates for the Wisconsin Special Primary and Special General Elections in the 7th Congressional District*, 84 Fed. Reg. 63880 (Nov. 19, 2019).

3. **The Commission Does Not Have Jurisdiction Over Financial Disclosure Statements.**

The Complaint alleges that Mr. Church failed to file his Financial Disclosure Statement. Compl. at 1. However, this issue is not within the Commission's purview.¹ See 5 U.S.C. App. § 101(b)(2)(c), § 103.

4. **The Committee Displayed the Proper Disclaimers on Its Public Communications.**

The Complaint alleges that the Committee failed to include proper disclaimers on its YouTube, Facebook and Twitter accounts, TV and radio ads, and yard signs. Compl. at 1. Commission regulations require disclaimers on public communications stating, at minimum, who paid for the advertisement. 11 C.F.R. § 110.11(a)(3). Commission regulations establish that a communication placed for a fee on another person's website is a public communication and thus requires a disclaimer. 11 C.F.R. § 100.26. However, Twitter, Facebook and YouTube are free services that allow users to pay for specific services without requiring payment to post content on their platforms or interact with other users. Here, the Complaint provides no evidence that the Committee paid to post content on its or Mr. Church's social media pages—because, in fact, it did not and, thus, those pages did not need to include a disclaimer.

Additionally, the Complaint alleges that the Committee's yard signs did not have "prominent committee disclosure." Compl. at 1. However, a disclaimer is visible at the bottom of each yard sign shown in the Complaint. Compl. at 2. Specifically, on the red and white yard sign, there is clearly writing at the bottom of the sign, but it is pixilated and unreadable due to the poor picture of Complainant's picture. Compl. at 2. Likewise, on the blue and white yard sign, a disclaimer is visible at the bottom, partially covered by snow, and also pixilated and unreadable due to poor picture quality. Compl. at 2. The fact that the disclaimers on these signs are not readable in

¹ In any event, Mr. Church timely filed a Financial Disclosure Statement on December 30, 2019. http://clerk.house.gov/public_disc/financial-pdfs/2019/10032349.pdf.



MUR 7699
Response of Church for Wisconsin Inc.
Page 3 of 3

Complainant's grainy photographs—both apparently taken from a distance and then enlarged, and one of which, perhaps disingenuously, depicts a sign partially obscured by a pile of snow—does not render the disclaimers not clearly readable as a matter of law. There are, quite obviously, disclaimers on both signs that would be clearly readable to any person who walked up to the signs with the intention of determining who paid for them. This is all that 11. C.F.R. § 110.11(c)(2) requires.

Further, the Complaint does not provide any evidence to support the claim that the Committee failed to include disclaimers on its TV or radio ads. Compl. at 1. The Committee cannot address advertisements which the Complaint does not specifically identify, but can state with certainty that all of its public communications included the required disclaimer.

For all these reasons, the Commission should dismiss this Complaint without any further action.

Sincerely,

Allison McKenzie
Counsel, Church for Wisconsin Inc.



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: _____

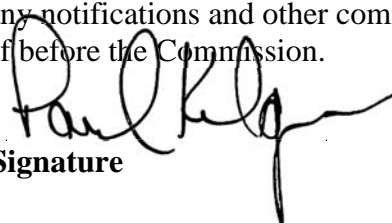
Name of Counsel: _____

Firm: _____

Address: _____

Telephone: (____) _____ **Fax:** (____) _____

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.

		
Date	Signature	Title

RESPONDENT: _____
(Committee Name/Company Name/Individual Named In Notification Letter)

MAILING ADDRESS:

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.



From: [Allison McKenzie](#)
To: [CELA](#)
Subject: Re: MUR 7699 - Response of Church for Wisconsin
Date: Wednesday, March 11, 2020 5:33:29 PM
Attachments: [Church - Church Designation of Counsel.pdf](#)

MUR 7699 Response - Jason Church

Ms. Ross:

Please see the attached designation of counsel on behalf of Jason Church. Thank you!

Best,
Allison

On Wed, Mar 11, 2020 at 10:03 AM CELA <CELA@fec.gov> wrote:

Thank you!

Kathryn Ross

Paralegal

Federal Election Commission

Complaints Examination &

Legal Administration

(202) 694-1539

cela@fec.gov

From: Allison McKenzie [mailto:allison@ashby.law]
Sent: Wednesday, March 11, 2020 9:36 AM
To: CELA <CELA@fec.gov>
Subject: Re: MUR 7699 - Response of Church for Wisconsin

Yes, we'll get a designation of counsel from him today. He will be adopting the Committee's response.

On Wed, Mar 11, 2020 at 7:23 AM CELA <CELA@fec.gov> wrote:

Thank you for the response from the committee, are you also representing the candidate?

Kathryn Ross

Paralegal

Federal Election Commission

Complaints Examination &

Legal Administration

(202) 694-1539

cela@fec.gov



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: _____


Name of Counsel: _____

Firm: _____

Address: _____

Telephone: (_____) _____ **Fax:** (_____) _____

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.

		Chairman
Date	Signature	Title

RESPONDENT: _____
(Committee Name/Company Name/Individual Named In Notification Letter)

MAILING ADDRESS:

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

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