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April 8, 2020

Via Email CELA@fec.gov

Federal Election Commission
Office of Complaints Examination
And Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

Re: MUR 7706

Ms. Dennis:

As counsel for Jeanne for Congress, I hereby respond to the Complaint filed in the above designated MUR. As demonstrated below, the Complaint is erroneous in some of its conclusions, the excessive solicitation was one time to a very small number of individuals, and therefore, the Complaint can be quickly dismissed.

The campaign's first mail piece, a copy of which was attached to the Complaint, and a sample of which is attached to this Response, was prepared by a local printer. This vendor was used for only this first mail piece and is no longer being used to provide services to the campaign. This local printer mistakenly used multipliers for suggested contributions which resulted in suggested contributions which were in excess of the contribution limits. Of the approximately 8,686 solicitations the vendor printed, only 55 people received a solicitation where the largest or second largest suggested contribution amount exceeded \$5,600 (\$2,800 for the primary and \$2,800 for the general election). Only 15 of those 55 people received a solicitation where each of the three suggested contributions exceeded \$5,600. After the 8,686 solicitations were sent out, only one contribution in excess of \$5,600 was received. This excessive contribution was not accompanied by the solicitation and was not for any of the suggested amounts.

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The Complaint suffers from several defects. Complainant makes speculative assertions and unsupported allegations, including that the solicitation at issue in this Complaint resulted in the receipt of “multiple, excessive contributions. Complainant also alleges that the mere *receipt* of contributions in excess of limits is a Federal Election Campaign Act (“FECA”) violation. As support for his allegations, Mr. Freda cites to 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61, both of which address a federal candidate’s involvement with “soft money” groups, and not a federal candidate’s own fundraising. In addition, some of Mr. Freda’s allegations are based upon false hearsay contained in newspaper articles.

Specifically, Mr. Freda speculates that Jeanne for Congress received “multiple, excessive contributions” in response to the solicitation at issue. Mere receipt of an apparent excessive contribution is not a violation of the FECA. In fact, 11 CFR § 110.1(b)(3) provides options for remedying the receipt of an apparent excessive contribution received by a campaign, including a refund, reattribution, and redesignation of the excessive contribution. While campaigns may *receive* apparent excessive contributions, they are however prohibited from knowingly *accepting* excessive contributions. See 52 U.S.C. § 30116; 110 C.F.R. § 110.9. Jeanne for Congress did not knowingly accept any excessive contributions.

Like every campaign, Jeanne for Congress has received apparent contributions in excess of the contribution limits as well as prohibited corporate contributions. Jeanne for Congress has returned corporate contributions and excessive contributions. To the best of the campaign’s knowledge, only three excessive contributions have been received. Two contributions were excessive contributions because the donor mistakenly clicked the credit card give button twice. The other contribution was received after the solicitations were sent, but was not accompanied by the solicitation and that while excessive, was not for any of the suggested amounts. This excessive contribution was from a donor who gave more than \$50,000 to the candidate’s state campaign and mistakenly believed that there were no federal contribution limits. See attached Declaration.

Although the solicitation mistakenly solicited about 55 people for more than \$5,600, the Commission should exercise prosecutorial judgment and dismiss the Complaint. Jeanne for Congress has taken steps to prevent future solicitations from requesting contributions in excess of the contribution limits. First, the campaign committee immediately stopped using the vendor which created the mail piece. Second, the campaign committee reviews all new

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solicitations to ensure they comply with FEC requirements. As a result and given that only one excessive contribution (which was refunded) was received after the mistaken solicitation, Jeanne for Congress respectfully requests that the Complaint be dismissed. If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/

Heidi K. Abegg

DECLARATION OF JEANNE IVES

State of Illinois

I, Jeanne Ives, declare from my personal knowledge that the following facts are true:

1. I am Jeanne Ives, a candidate for Congress and have knowledge of the operations of my campaign.
2. I am familiar with the printed solicitation that is the subject of Mr. Freda's Complaint.
3. Upon information and belief, approximately 8,686 solicitations were printed with various amounts listed.
4. Upon information and belief, of those 8,686 solicitations, approximately 55 solicitations contained suggested contribution amounts which exceeded \$5,600.
5. Upon information and belief, of those approximately 55 solicitations, only 15 of those received a solicitation where each of the three suggested contributions exceeded \$5,600.
6. After the approximately 8,686 solicitations sent out, only one contribution in excess of \$5,600 was received. This contribution was not accompanied by the solicitation form which was sent out and was not for any of the suggested amounts listed on the solicitation. This excessive contribution was from a donor who gave more than \$50,000 to the my previous state campaign and mistakenly believed that there were no federal contribution limits.

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 8th day of April, 2020.


Jeanne Ives



I am <<First Name>>, and I want you in Congress, Jeanne!

I am choosing you to fight for our right to live as free citizens with free minds in a free enterprise, market economy.

I am choosing to support you with a campaign contribution of:

\$<xxxx> \$<x1.5> \$<x2> \$ _____

Please make checks payable to: Jeanne for Congress.

Credit Card Authorization

Please charge my contribution amount indicated above to my credit card.

Mastercard Visa Discover American Express

This contribution is made on a personal credit or debit card for which I have the legal obligation to pay, and is not made on a corporate or business entity card.

Account number _____

Expiration Date _____ Security Code _____

Name as it appears on your card _____

Billing Address _____

City/State/Zip _____

Signature _____

Contributions are not tax deductible for federal income tax purposes. Contributions are prohibited from corporations and foreign nationals (unless a green card holder). It is illegal for any person to reimburse another for making a contribution to a political campaign.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and employer of individuals whose contributions exceed \$200 in an election cycle. Please complete the following information.

Employer _____

Occupation _____

Phone _____

Email _____

Jeanne for Congress

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JeanneforCongress.com

Paid for by Jeanne for Congress.