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May 18, 2020

SENT BY EMAIL (cela@fec.gov)

Mr. Jeff S. Jordan, Esq.  
Supervisory Attorney  
Complaints, Examination & Legal Administration  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

**RE: MUR 7718 – League of Conservation Voters Action Fund and Patrick  
Collins, as Treasurer**

Dear Mr. Jordan:

This letter responds to the complaint filed by the Montana Republican State Political Committee (“Complainant”) against the League of Conservation Voters Action Fund (“LCVAF”), and Patrick Collins, as Treasurer, (“Respondents”) in the above-referenced matter. Complainant requests that the Federal Election Commission (“FEC” or “Commission”) undertake an investigation based on Complainant’s mere speculation that Montana Conservation Voters Action Fund (“MCV Action Fund”) may have received contributions that included funds from foreign sources. For the reasons set forth below, we respectfully request that the FEC find no reason to believe that Respondents violated the Federal Election Campaign Act of 1971, as amended (“FECA”) or the FEC’s regulations and dismiss the matter with no further action.

**The complaint erroneously identifies LCVAF as a contributor to MCV Action Fund.**

Complainant erroneously identifies LCVAF as the source of contributions to MCV Action Fund. Contrary to Complainant’s assertions and, as is apparent from the copy of MCV Action Fund’s Montana disclosure report included with Complainant’s filing, LCV Victory Fund, not LCVAF, made a contribution to MCV Action Fund on September 6, 2019. LCV Victory Fund is a federally-registered independent expenditure PAC that discloses all of its receipts and disbursements to the Commission as required by FECA and the Commission’s regulations. For this reason alone, the complaint should be dismissed with no further action.

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**LCV Victory Fund does not solicit, accept or receive contributions from foreign nationals.**

LCV Victory Fund, the actual contributor to MCV Action Fund, solicits, accepts and receives funds exclusively from permissible sources and in compliance with 52 U.S.C. § 30121 and the FEC's regulations. The complaint provides no credible evidence to the contrary. Complainant's only basis for its allegation is a text message apparently written by a person affiliated with MCV Action Fund, who does not work for LCV Victory Fund and does not have any actual knowledge of LCV Victory Fund's funding sources. Further, the statement is inaccurate. For instance, contrary to the text message's assertion, LCV Victory Fund does not receive funds from "big foundations." Although the reference to foundations is unclear, the term "foundations" is generally used to refer to charitable entities that are legally prohibited under their tax-exempt status from making contributions to a political organization. As the Commission can see from LCV Victory Fund's disclosure reports on file with the Commission, LCV Victory Fund does not receive such funding. And, to the extent that the text message can be interpreted to imply that LCV Victory Fund receives contributions from foreign nationals, that implication is false. While LCV Victory Fund receives contributions from many donors, it does so consistent with federal law, including by abiding by the prohibitions on soliciting or receiving contributions from foreign nationals, and by following the Commission's regulations regarding the receipt of contributions that present genuine questions as to whether they were made by foreign nationals. *See* 52 U.S.C. § 30121; 11 C.F.R. §§ 110.20 and 103.3(b)(1). In short, LCV Victory Fund does not solicit, accept or receive contributions from foreign nationals.<sup>1</sup>

**The complaint is mere speculation unsupported by any facts sufficient to find reason to believe that Respondents violated the FECA or the FEC's regulations.**

Under the standards it has established for evaluating alleged violations of FECA, the Commission must dismiss the complaint. A complaint must "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. § 111.4(d)(3).<sup>2</sup> Applying this standard, the Commission has previously concluded that a "reason to believe" finding is justified only if a complaint sets forth sufficient specific facts which if proven true would constitute a violation of the FECA, and has stated that unwarranted legal conclusions from asserted facts or *mere speculation* in a complaint would not be accepted as true. *See, e.g.,* MUR 5141, Statement of Reasons of Commissioners Mason, Sandstrom, McDonald, Smith, Thomas and Wold (April 17, 2002) (emphasis added).

Complainant falls far short of this standard. Despite the fact that the sources of all of LCV Victory Fund's contributions are available to the public on the Commission's website, Complainant fails to point to even one contribution to LCV Victory Fund that it alleges was received from a foreign national. Rather, Complainant merely speculates that a text message written by someone affiliated with MCV Action Fund with no apparent knowledge of LCV Victory Fund's funding sources, "suggests" that there may be a violation of law. The Commission has found that a complaint that provides no specific facts, relying instead purely on speculation, "do[es] not form an adequate basis to find reason to believe that a violation of the FECA has occurred." MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory

<sup>1</sup> LCVAf similarly does not solicit, accept or receive contributions from foreign nationals.

<sup>2</sup> The Commission's 2007 Statement of Policy further states that "a reason to believe finding followed by an investigation would be appropriate when a complaint credibly alleges that a significant violation may have occurred." Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545, 12546 (March 16, 2007).

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Committee, Inc.), Statement of Reasons of Commissioners Mason, Sandstrom, Smith and Thomas at 3 (“[P]urely speculative charges, especially when accompanied by a direct refutation, do not form an adequate basis to find reason to believe that a violation of the FECA has occurred.”).

Respondents and LCV Victory Fund directly refute Complainant’s baseless speculation that a violation of 52 U.S.C. § 30121 and the FEC’s accompanying regulations occurred. For the foregoing reasons, we respectfully request that the Commission dismiss the complaint and take no further action.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Holly Schadler". The signature is fluid and cursive, with a long horizontal stroke at the end.

B. Holly Schadler  
Joseph Steinberg  
*Counsel to Respondents*