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VIA EMAIL

Jeff S. Jordan, Esq.
Assistant General Counsel
Federal Election Commission
1050 First Street, N.E.
Washington, D.C. 20463

Re: MURs 7722 & 7723

Dear Mr. Jordan:

We write as counsel to DNC Services Corp./Democratic National Committee ("DNC") and William Q. Derrough in his official capacity as Treasurer of the DNC (collectively, "Respondents") in response to the above-referenced matters, MURs 7722 and 7723. In these matters, Great America PAC and Americans for Public Trust ("Complainants") allege that a permissible transfer of funds from a bona fide presidential candidate's authorized committee, Mike Bloomberg 2020, Inc. ("Committee"), to the DNC somehow amounted to both an excessive contribution to the DNC and a contribution made in the name of another, in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("Commission" or "FEC") regulations, simply because the presidential candidate financed his own campaign.

These allegations have no basis in law or fact. Two points of law are clear under decades of Commission precedent: first, candidates may make unlimited contributions to their campaigns, and second, campaigns may make unlimited transfers of campaign funds to party committees. Scores of candidates and campaigns from across the political spectrum operate under these rules every election cycle, and there has never been a question or suggestion from the Commission that doing so could result in an excessive or prohibited contribution. Furthermore, there is no indication that the candidate, Mr. Bloomberg, contributed to his campaign for the purpose of making a transfer to the DNC or that he "earmarked" his contributions for the DNC in any way. As such, there is no evidence that Mr. Bloomberg made or that the DNC accepted a contribution in the name of another. The Committee contributed its campaign funds to the DNC and that is what the DNC reported. Indeed, because Mr. Bloomberg's, the Committee's, and the DNC's actions were clearly lawful, the Complainants now request that the Commission invent a special exception to clearly established law out of whole cloth to fit their political aims. There is no legal basis to do so. Instead, the Commission should follow the law and its own precedent, find no reason to believe that a violation of the Act has occurred, and close these matters immediately.

FACTUAL BACKGROUND

The DNC is a national party committee of the Democratic Party of the United States.[1] Mike Bloomberg 2020, Inc., is the principal campaign committee of former New York City mayor and now-former presidential candidate Michael R. Bloomberg.[2]

Mr. Bloomberg announced his candidacy for the Democratic nomination for President on November 21, 2019.[3] As a presidential candidate, Mr. Bloomberg ran on the Democratic primary ballot in dozens of states and territories and earned at least 49 district-level delegates to the Democratic National Convention, making him the fourth-place finisher in a race of approximately 30 candidates.[4] In the month leading up to the March 3, 2020, Super Tuesday primary contests, Mr. Bloomberg polled in the mid- to high-teens in a crowded field of candidates, qualifying him to participate in two nationally-televised Democratic presidential primary debates.[5] His campaign opened hundreds of field offices and employed thousands of campaign staff across the country.[6]

Throughout his candidacy, Mr. Bloomberg elected to finance his presidential campaign with his personal funds. He did this in two ways: first, by paying for campaign expenses directly and reporting those payments as in-kind contributions to his campaign, and second, by making monetary contributions to the Committee for it to spend. Mr. Bloomberg contributed, and the Committee ultimately spent, over one billion dollars to support Mr. Bloomberg's candidacy.[7] The last contribution he made before he suspended his candidacy on March 4, 2020, was a $50,000,000 contribution on February 28, 2020.[8]

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[1] DNC Services Corp/Dem. Nat'l Committee, Statement of Organization, FEC Form 1 (amended Apr. 24, 2020), https://docquery.fec.gov/pdf/434/202004249232294434/202004249232294434.pdf.
[2] Mike Bloomberg 2020, Inc., Statement of Organization, FEC Form 1 (Nov. 21, 2019), https://docquery.fec.gov/pdf/029/201911219166073029/201911219166073029.pdf.
[3] Michael R. Bloomberg, Statement of Candidacy, FEC Form 2 (Nov. 21, 2019), https://docquery.fec.gov/pdf/442/201911219166072442/201911219166072442.pdf.
[4] Delegate Tracker, ASSOCIATED PRESS (last updated June 7, 2020), https://interactives.ap.org/delegate-tracker/.
[5] *See, e.g*, NPR/PBS NewsHour/Marist National Poll (Feb. 13 to Feb. 16, 2020), http://maristpoll.marist.edu/wp-content/uploads/2020/02/UPDATED_Tuesday-Release_NPR_PBS-NewsHour_Marist-Poll_USA-NOS-and-Tables_2002171446.pdf#page=3; Hart Research Associates/Public Opinion Strategies, NBC News/Wall Street Journal Survey (Feb. 14 to Feb. 17, 2020), https://www.documentcloud.org/documents/6779408-200085-NBCWSJ-February-Poll.html; Reid J. Epstein & Maggie Astor, *Michael Bloomberg Surges in Polls and Qualifies for 2 Democratic Debates*, N.Y. TIMES (Feb. 18, 2020), https://www.nytimes.com/2020/02/18/us/politics/bloomberg-debate-poll-numbers.html.
[6] Jeremy W. Peters & Rebecca R. Ruiz, *Bloomberg's Organization Is Like No Other in Politics*, N.Y. TIMES (updated Mar. 4, 2020), https://www.nytimes.com/2020/03/03/us/politics/michael-bloomberg-2020-campaign.html.
[7] *See* Mike Bloomberg 2020, Inc., 2019 Year-End Report, FEC Form 3P (amended Mar. 27, 2020), 2020 February Monthly Report, FEC Form 3P (amended Mar. 27, 2020), 2020 March Monthly Report, FEC Form 3P (amended May 20, 2020), 2020 April Monthly Report, FEC Form 3P (Apr. 20, 2020).
[8] *See* Mike Bloomberg 2020, Inc., 2020 March Monthly Report, FEC Form 3P (amended May 20, 2020), 2020 April Monthly Report, FEC Form 3P (Apr. 20, 2020).

There is no evidence to suggest that, when Mr. Bloomberg made his frequent contributions to his campaign, he intended any portion of those funds to be transferred to the DNC or any other Democratic party committee. In fact, all evidence shows that the opposite is true—that his contributions to his campaign, including his last several contributions before he suspended his candidacy, were made to pay for campaign activities in the normal course. For example, as late as March 3, 2020, Mr. Bloomberg's campaign manager was informing reporters that the campaign was looking forward to competing in upcoming contests, including in Florida's March 17 primary.[9] At that time, Mr. Bloomberg was also indicating that he intended to stay in the race until the 2020 Democratic National Convention.[10] Continuing the campaign for two more weeks, let alone for four more months, at the same spending level that Mr. Bloomberg's campaign had grown to require, would have cost significantly more than the cash the campaign had on hand at the beginning of March.

Nevertheless, after experiencing disappointing results in the Super Tuesday primary contests on March 3, Mr. Bloomberg reassessed his campaign's plans and decided to exit the race and endorse another candidate.[11]

While Mr. Bloomberg pledged after exiting the race to continue to use the resources at his and his campaign's disposal to defeat President Trump and Republicans, he did not indicate when he dropped out of the race what form those efforts would take.[12] For example, two days after Super Tuesday, the Committee indicated that it was contemplating transitioning into an independent expenditure-only committee.[13]

However, the Committee ultimately chose a different use for the campaign's remaining assets. On March 20, 2020, the Committee sent a memorandum to DNC Chair Tom Perez informing him that while it had "considered creating [its] own independent entity to support the nominee and hold the President accountable, this race is too important to have many competing groups with good

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[9] Mark Niquette, *Bloomberg to Stay in Race Pending Assessment of Super Tuesday*, BLOOMBERG.COM (Mar. 3, 2020), https://www.bloomberg.com/news/articles/2020-03-03/bloomberg-concedes-only-way-he-can-win-is-contested-convention.

[10] *Id.* ("Bloomberg said he expects no candidate will end up with the majority of pledged delegates needed to win the nomination on the first ballot at the convention, leaving a path for him to still become the nominee even with fewer delegates than other candidates.").

[11] Amy B Wang & Michael Scherer, *Mike Bloomberg is suspending his presidential campaign, says he's endorsing Biden*, WASH. POST (Mar. 4, 2020), https://www.washingtonpost.com/politics/mike-bloomberg-drops-out-of-presidential-race/2020/03/04/62eaa54a-5743-11ea-9000-f3cffee23036_story.html.

[12] *See id.*

[13] *See, e.g.*, Michael Scherer, *Mike Bloomberg plans new group to support Democratic nominee*, WASH. POST (Mar. 5, 2020), https://www.washingtonpost.com/politics/mike-bloomberg-plans-new-group-to-support-democratic-nominee/2020/03/05/a2522c44-5f13-11ea-9055-5fa12981bbbf_story.html; Carl Campanile, *Bloomberg Super PAC to replace campaign, aid Democratic nominee*, N.Y. POST (Mar. 5, 2020), https://nypost.com/2020/03/05/bloomberg-super-pac-to-replace-campaign-aid-democratic-nominee/.

intentions but that are not coordinated and united in strategy and execution."[14] As such, the Committee determined that instead of forming a new independent entity, it would transfer $18 million that it already held in its campaign account to the DNC "to help Democrats win up and down the ballot this fall."[15]

The DNC accepted these funds and reported the transfer in its April Monthly Report, as did the Committee.

LEGAL ANALYSIS

As a matter of clearly-established law, the DNC's receipt of the transfer from the Committee was permissible. The DNC, as a national party committee, may accept unlimited transfers of legally permissible campaign funds from a federal candidate's authorized committee regardless of how the committee raised its campaign funds in the first instance. There is no basis in the Commission's jurisprudence to reach a different conclusion with regard to self-financed campaigns. While a transfer from a campaign committee could be a contribution in the name of another if a contributor to the campaign earmarked or designated their contribution to be transferred to a party committee at the time the contribution was made, there is no indication that any such earmarking or designation occurred here.

Because the actions at issue in these complaints were plainly lawful, the Complainants have requested that the Commission carve out a special exception to the law in order to serve their political aims. In particular, the Complainants ask the Commission to decide for the first time that a candidate's contribution to his own campaign is somehow not in fact a contribution to his campaign and therefore must be treated differently than all other campaign funds. Further, the Complainants ask the Commission to assume a straw donation where there is no evidence of one, in contravention of clear Commission precedent requiring evidence of intent in order to find such a violation.

I. As a federal candidate, Mr. Bloomberg was permitted to make unlimited contributions to his own campaign.

There is no question that "candidates for Federal office may make unlimited expenditures from personal funds" in support of their campaigns, either by paying for campaign expenses directly or by contributing funds to their campaign accounts.[16] The U.S. Supreme Court determined that this rule was constitutionally mandated in the landmark case of *Buckley v. Valeo,* and the Commission

[14] Memorandum of Mike Bloomberg 2020 Campaign to DNC Chair Tom Perez (Mar. 20, 2020), https://web.archive.org/web/20200509032325/https://www.mikebloomberg2020.com/news/mike-bloomberg-2020-makes-transfer-of-18-million-to-democratic-national-committee.
[15] *Id.*
[16] 11 C.F.R. § 110.10. The one exception to this regulation concerns publicly-financed presidential candidates, which Mr. Bloomberg was not.

has uniformly implemented this principle ever since.[17] For example, the Commission has stated that "Commission regulations explicitly permit a candidate for Federal office to make unlimited expenditures from his or her personal funds, *including contributions to the candidate's principal campaign committee*."[18] The Commission has, for over 45 years, reiterated this basic rule again and again in a myriad of different circumstances.[19] This is because, by definition, when a candidate makes an "expenditure" on behalf of their campaign, either directly or by transferring funds to their campaign account, the expenditure amounts to a "contribution."[20] Candidates can move unlimited funds to their campaigns, doing so amounts to making "contributions," and those contributions are perfectly permissible.

In accordance with this clearly established constitutional right, Mr. Bloomberg made both direct expenditures in support of his campaign for the Democratic nomination and made expenditures of contributions of his personal funds directly to his campaign's account. Mr. Bloomberg's actions were routine for many federal candidates across the political spectrum, and there can be no question that his contributions were lawful.[21]

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[17] 424 U.S. 1, 52 (1976).
[18] FEC Adv. Op. 1984-60 (Mulloy) (emphasis added).
[19] *See, e.g.,* FEC Adv. Op. 1985-33 (Citizens to Re-Elect Cardiss Collins) ("Commission regulations permit a candidate to make unlimited contributions, including loans, from the candidate's personal funds to her authorized committees."); FEC Adv. Op. 1997-10 (Hoke for Congress) ("Under the Act and Commission regulations, a candidate for Congress may make unlimited expenditures from personal funds. This permits such candidates to make loans or contributions in unlimited amounts to their own campaigns."); FEC Adv. Op. 2003-31 (Dayton) ("Under the Act and Commission regulations, a Senate candidate may make unlimited expenditures from personal funds, including unlimited contributions to his or her own campaign."); FEC Adv. Op. 2010-15 (Pike for Congress) ("Candidates for Federal office may make unlimited expenditures from their personal funds. 11 CFR 110.10. The Commission has interpreted this provision to mean that a candidate may also make unlimited contributions to his or her authorized committee."); *see also* FEC, Campaign Guide for Congressional Candidates and Committees at 15 (June 2014) ("contributions (including loans or advances) made from the candidate's personal funds to his or her campaign are not subject to any limits"), https://www.fec.gov/resources/cms-content/documents/candgui.pdf.
[20] *See, e.g.*, FEC, How to Report: In-kind contributions from the candidate, https://www.fec.gov/help-candidates-and-committees/filing-reports/-kind-contributions-candidate/ (instructing candidates to report their direct expenditures in support of their campaigns as in-kind contributions); *cf.* 11 C.F.R. 400.4(a)(2) (2003), *deleted in 2009 in light of* Davis v. Federal Election Commission*, 554 U.S. 724 (2008)* (defining, for the purpose of the now-invalidated "Millionaire's Amendment," an "expenditure from personal funds" to include "[a] contribution or loan made by a candidate to the candidate's authorized committee, using the candidate's personal funds").
[21] For example, President Trump, whom Great America PAC has spent almost $4 million supporting this cycle through independent expenditures, contributed $66 million of his personal funds to his own campaign in 2015 and 2016. *See* Ginger Gibson & Grant Smith, *Figures show Trump spent $66 million of his own cash on election campaign*, REUTERS (Dec. 8, 2016), https://www.reuters.com/article/us-usa-election-trump/figures-show-trump-spent-66-million-of-his-own-cash-on-election-campaign-idUSKBN13Y0AE. President Trump's campaign transferred $3 million to the Republican National Committee, far in excess of the candidate's individual contribution limit to a national party committee, in 2018. *See* Donald J. Trump for President, Inc., 2019 Year-End Report, FEC Form 3P (amended Mar. 30, 2020).

II. All campaign funds, including those received from a candidate, are subject to the same rules.

Once a candidate contributes funds to their own campaign account, federal law treats those funds the same as all other lawfully-accepted campaign funds, regardless of their source. [22] The restrictions and allowances dictated by campaign finance law apply in the same way because, once donated, funds in a campaign account are no longer a personal asset.

For example, candidates are prohibited from converting funds in their campaign accounts to personal use, including use for household expenses, clothing, tuition, or salary above a certain threshold.[23] Although it might seem that the principles behind these rules would not apply when a candidate is self-funding, the Commission has repeatedly held that these same prohibitions on "personal use" of campaign funds apply regardless of whether the funds were contributed directly by the candidate.[24] Campaign funds contributed by a candidate are no longer the candidate's personal funds once received by the campaign, and the candidate is not permitted to do whatever they wish with them. Rather, funds contributed by a candidate, like all campaign funds, must be spent in compliance with applicable campaign finance laws and regulations, including 52 U.S.C. § 30114 and 11 C.F.R. § 113.2.

Similarly, the rules regarding refunds apply in the same way to all campaign contributions, regardless of their source. A candidate's contribution to his campaign *may* be refunded if the candidate requests a refund and if the campaign "desires to do so," as is the case with every other permissible contribution and contributor.[25] Although there are certain limits on repaying campaign loans made by a candidate,[26] these restrictions do not preclude a refund of contributions received by a candidate because they are, in fact, contributions governed just like any other. The candidate does not retain "unilateral" authority to execute such a refund because the funds are no longer the candidate's, [27] and also because the campaign is not compelled to treat the candidate differently from other contributors.

In short, the rules regarding what is a permissible use of campaign funds and what is a prohibited use of campaign funds apply to all campaign funds, regardless of whether the candidate or another individual or entity was the contributor. Once a candidate moves funds to their campaign, the candidate is not free to use them as "personal funds," and the expenditures of the campaign are not

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[22] *See* 11 C.F.R. §113.2 (listing the permissible uses of funds "in a campaign account").
[23] *See* 52 U.S.C. § 30114; 11 C.F.R. § 113.1(g).
[24] *See, e.g.*, FEC Adv. Op. 2006-37 (Kissin for Congress) (explaining that while campaign funds, including those contributed by a candidate himself, are subject to personal use restrictions, repayment of a candidate's loan to his campaign does not constitute personal use); FEC Adv. Op. 2007-07 (Craig for U.S. Congress) (same).
[25] FEC Adv. Op. 2010-15 (Pike for Congress).
[26] *See* 11 C.F.R. §§ 116.11-12.
[27] Before that money is refunded, the candidate has no "legal and rightful title" to it, nor an "equitable interest" in it, and therefore, such funds do not belong to the candidate. *See* 11 C.F.R. § 100.33.

attributed to the candidate personally. The Commission has never held otherwise, and there is no basis to do so in the context of party transfers.

III. Funds in a campaign account, including those of candidate-financed campaigns, may be transferred, without limit, to party committees.

Congress determined almost two decades ago that transfers from candidates' authorized committees to party committees could be made without any limitation. While prior to 2002, candidates could only use contributions "in excess of any amount necessary to defray [their] expenditures" to make unlimited transfers to party committees, with the passage of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Congress removed that restriction, indicating that *any and all* campaign funds could be moved to a party committee "without limitation."[28] In implementing this law, the Commission promulgated a regulation providing that "[i]n addition to defraying expenses in connection with a campaign for federal office, *funds in a campaign account* . . . May be transferred without limitation to any national, State, or local committee of any political party."[29] This is the rule that applies to all "funds in a campaign account," regardless of the original lawful source of those funds.

Soon after the passage of BCRA and the promulgation of the updated permissible use regulation, the Commission explicitly confirmed that these new provisions apply to "*any* contributions received" by "[a] candidate's principal campaign committee" and has advised that the Act and regulation "do not limit the purposes that any transferred funds may be put to, nor do they restrict the amount that may be transferred in any specific period of time."[30] The DNC is not aware of a single Commission advisory opinion, enforcement action, or regulation issued since the current version of the regulation was promulgated that has put any limitation on which campaign funds may be transferred to a party committee, nor would there be any legal basis to create one now. In short, if funds were lawfully contributed to and received by a campaign, they are free to be transferred, *without limitation*, to a party committee.

As explained above, all of Mr. Bloomberg's contributions to his campaign were lawfully contributed in accordance with Commission regulations and 45 years of Commission opinions advising that candidates may make unlimited contributions to their own campaigns. Once those contributions were received by the campaign, they became subject to the same rules and restrictions that apply to all other contributions and campaign funds, including the explicit

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[28] *See* 2 U.S.C. § 439a (2001); Bipartisan Campaign Reform Act of 2002, Pub L. 107-155, § 301, 116 Stat. 81 (2002); 52 U.S.C. § 30114(a)(4).
[29] 11 C.F.R. § 113.2(c) (emphasis added).
[30] FEC Adv. Op. 2004-22 (Bereuter) (emphasis added); *see also* FEC Adv. Op. 2010-28 (Indiana Democratic Congressional Victory Committee & Hoosiers for Hill) ("A transfer pursuant to 2 U.S.C. 439a(a)(4) and 11 CFR 113.2(c) is not subject to the contribution limitation in 2 U.S.C. 441a(a)(1)(D) or 11 CFR 110.1(c)(5)," so long as the funds transferred "complied with the limitations, prohibitions, and reporting requirements of the Act.").

allowance to make unlimited party transfers. As such, the Committee's transfer to the DNC was permissible. [31]

IV. The DNC did not knowingly accept a contribution in the name of another.

On top of calling for a change to basic rules regarding party transfers, the Complainants have also accused the DNC of knowingly accepting a contribution in the name of another without pointing to any evidence of one. For all the reasons explained above, the funds that the DNC received from the Committee were a transfer of the Committee's campaign funds, and campaign funds are not a personal asset of the candidate. Without evidence of earmarking, the expenditures of a campaign are not attributed to the candidate personally as a matter of course, even if the candidate is self-funding.

The Act provides that "[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person."[32] In implementing this provision, the Commission has long emphasized that contributions in the name of another occur when the original source of the funds *intends* for the funds' recipient to forward the funds to another entity and when there is a *purpose* for the recipient of the funds to make a specific political contribution. As the Commission has explained time and again, "[t]he traditional name-of-another scheme involves a corporation or other person reimbursing or advancing funds to an individual who makes contributions to federal candidates in his or her own name, which in turn implicates the Act's source prohibitions and amount limitations, *since contributions were made through straw donors to conceal the true contributor*."[33] Similarly, "[a] contribution made in the name of another results when, for instance, the true source of a contribution solicits a conduit to transmit funds to a political committee in the conduit's name, subject to the source's *promise* to advance or reimburse the funds to the conduit."[34]

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[31] Even if the Commission were to take the extraordinary step of reversing long-standing Commission precedent by finding, for the first time, that a candidate's contribution to his own campaign is not, in fact, a contribution to his campaign and that such funds maintain their status as the candidate's personal assets, it would be wholly inappropriate to apply such a novel rule retroactively because "principles of due process, fair notice, and First Amendment clarity counsel against applying a standard to persons and entities that were not on notice of the governing norm." *See* Statement of Reasons, *infra* note 35 at 2; *see also* Statement of Reasons of Vice Chair Caroline C. Hunter & Comm'r Lee E. Goodman at 2, MUR 6920 (American Conservative Union) (Dec. 20, 2017) ("We have previously explained our reluctance to punish citizens for novel theories of violations, in cases of first impression, where the law is evolving, and citizens did not have fair notice."). If the Commission chooses to abandon long-standing precedent in favor of the Complainants' radical new interpretation of the law, it should, at the very least, not abandon the constitutional principle of due process and penalize Respondents for activity that all prior Commission guidance indicated was entirely lawful.

[32] 52 U.S.C. § 30122.

[33] *See, e.g.*, Statement of Reasons of Chair Caroline C. Hunter & Comm'r Matthew S. Petersen at 4, MUR 6969 (MMWP12 LLC, et al.), MURs 7031 & 7034 (Children of Israel, LLC, et al.) (Sept. 13, 2018) (emphasis added).

[34] Statement of Reasons of Vice Chair Matthew S. Petersen & Comm'r Caroline C. Hunter at 4, MUR 7183 (Thornton Law Firm, et al.) (May 22, 2019) (emphasis added).

The Commission has also made clear that when funds are transmitted to another entity for a legitimate purpose and not to make contributions to specific political committees, subsequent contributions by that entity will not be considered contributions in the name of another. For example, in evaluating whether contributions by closely held corporations and corporate LLCs should be considered contributions from the entity's owner and/or the prior source of the funds, a controlling vote of the Commission determined that a contribution should only be considered to be made "in the name of another" when "the funds used to make a contribution were *intentionally* funneled through a closely held corporation or corporate LLC *for the purpose of making a contribution that evades the Act's reporting requirements, making the individual, not the corporation or corporate LLC, the true source of the funds*."[35] The Commission emphasized that, in such cases, the dispositive question would be whether "the available evidence establishes *the requisite purpose*" of making a contribution in the name of another.[36] The Commission stated that "[t]his analysis will be required even if a single member exercises sole authority over the disposition of the entity's resources."[37]

Here, there is no evidence that, at the time Mr. Bloomberg contributed his personal funds to his campaign, he intended or acted with the purpose that those funds be transferred to the DNC at a later date. There is no evidence indicating that these funds were, in any way, earmarked for the DNC. Rather, before exiting the race, all of Mr. Bloomberg's contributions of personal funds to his campaign were clearly made to support his very active campaign for the Democratic nomination, which included a robust field program in dozens of states, as well as hundreds of millions of dollars in ad spending. Additionally, all evidence indicates that the decision to transfer excess funds to the DNC was made several weeks *after* Mr. Bloomberg's last contribution to his campaign as an active candidate. As such, all evidence indicates that no contribution in the name of another occurred.

Moreover, in order for the DNC to violate 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b), it needed to have "*knowingly* accept[ed] a contribution made by one person in the name of another person."[38] But the DNC cannot knowingly accept a contribution in the name of another when there is no evidence even hinting that one has occurred. Because all of the evidence available indicates that the funds the DNC received from the Committee had been contributed by Mr. Bloomberg for purposes that did not include making a contribution to the DNC, the DNC has no reason to suspect, let alone *know*, that it has received a contribution in the name of another. As such, the DNC has violated neither 52 U.S.C. § 30122 nor 11 C.F.R. § 110.4(b).

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[35] Statement of Reasons of Chairman Matthew S. Petersen & Comm'rs Caroline C. Hunter & Lee E. Goodman at 2 (emphasis added), MUR 6485 (W Spann LLC. et al.), MURs 6487 & 6488 (F8, LLC, et al.), MUR 6711 (Specialty Investments Group, Inc., et al.), and MUR 6930 (SPM Holdings LLC, et al.) (Apr. 1, 2016).
[36] *Id.* (emphasis added).
[37] *Id.* at 12.
[38] 52 U.S.C. § 30122 (emphasis added).

CONCLUSION

For the reasons explained herein, the DNC's receipt of funds from Mr. Bloomberg's principal campaign committee was neither the receipt of an excessive contribution nor the knowing receipt of a contribution made in the name of another. Rather, all the DNC received was a lawful transfer of campaign funds to a national party committee. Accordingly, the Commission should find no reason to believe that a violation of the Act has occurred and immediately close these matters.

Very truly yours,

Graham M. Wilson
Andrea T. Levien
Counsel to Respondents