

C&A | CHALMERS & ADAMS LLC

Litigation & Political Law

PHONE: 412-200-0842
FAX: 412-235-5001
EMAIL: zwallen@cpblawgroup.com

301 SOUTH HILLS VILLAGE DRIVE
SUITE LL200-420
PITTSBURGH, PA 15241

September 9, 2020

SENT VIA EMAIL

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

*Re: MUR 7783 – Response of Respondents Byron Donalds and Byron Donalds
for Congress*

Dear Commissioners and Staff:

Byron Donalds and Byron Donalds for Congress, and Bradley Crate in his official capacity as treasurer thereof (hereinafter “Respondents”) hereby respond to the Complaint filed by Campaign Legal Center and Brendan M. Fischer in Matter Under Review 7783. For the reasons set forth herein, the Commission should find no reason to believe that Respondents have violated the Federal Election Campaign Act, as amended (the “Act”), and accordingly should dismiss the Complaint.

As an initial matter, Respondents Byron Donalds for Congress, and Bradley Crate, in his official capacity as treasurer of that committee, note that the Complaint neither names nor makes any allegations against Byron Donalds for Congress. Accordingly, Respondents Byron Donalds for Congress, and Bradley Crate, in his official capacity as treasurer, should be dismissed from this action.

The Complaint does make vague and unfounded accusations against Respondent Byron Donalds, but all of Mr. Donalds’ activities were in full compliance with both state and federal law.

By way of background, Mr. Donalds has served as a member of the Florida House of Representatives for the 80th District since 2016. In connection with his Florida political activities, Mr. Donalds served as the initial Chair of the Florida political committee, Friends of Byron Donalds.

As is recognized by the Complaint, Mr. Donalds resigned as Chair of Friends of Byron Donalds on January 3, 2020. Subsequently, on January 6, 2020, Mr. Donalds announced his candidacy for the U.S. House of Representatives for Florida's 19th Congressional District.¹

While Mr. Donalds did previously serve as the Chair of Friends of Byron Donalds, all money was raised in connection with his Florida political activities as a member of the Florida House of Representatives and was at all times in compliance with Florida law.

The complaint correctly notes that 52 U.S.C. § 30125(e)(1) does prohibit a federal candidate from soliciting, receiving, directing, transferring or spending funds in connection with a federal campaign unless the funds are subject to the limitations, prohibitions, and reporting requirement of the Act. The Act further provides, however, that this prohibition does not apply to the solicitation, receipt, or spending of funds by an individual who was a candidate for a state or local office solely in connection with such election for state or local office so long as the solicitation, receipt, or spending of funds is permitted under state law. 52 U.S.C. § 30125(e)(2).

Here, all of Mr. Donalds' involvement with Friends of Byron Donalds was solely in connection with his campaign activities as a Member of the Florida House of Representatives and was fully in compliance with Florida law. *See* FLA. Stat. Ch. 106.

Following his resignation as Chair on January 3, 2020, Mr. Donalds had no further involvement with Friends of Byron Donalds. All allegations made in the Complaint concerning the activities of Friends of Byron Donalds occurred subsequent to Mr. Donalds' resignation as the Chair of Friends of Byron Donalds.²

The Complaint makes no allegation to the contrary, other than a stray outdated reference to Mr. Donalds on the Friends of Byron Donalds website—a website that Mr. Donalds had no control over following his resignation as Chair on January 3, 2020.

Mr. Donalds' activities are fully consistent with those of any state officeholder who later decides to become a candidate for federal office—during his time as a state candidate, Mr. Donalds fully complied with Florida law, and presently, as a candidate for federal office, all of his activities have been in compliance with the requirements of the Act.

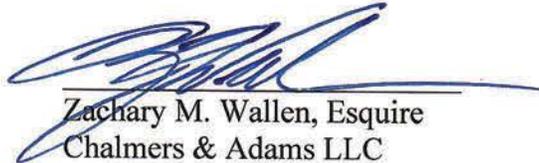
¹ Mr. Donalds won the Republican primary election for that office on August 18, 2020.

² For example, the referenced contribution to the Florida committee, Conservatives for Effective Government, occurred following Mr. Donalds' resignation on January 3, 2020. All other activities occurred well after Mr. Donalds' resignation from the committee.

Federal Election Commission
September 9, 2020
Page 3 of 3

The Commission should accordingly dismiss the Complaint as to, and take no action against, Respondents.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Zachary M. Wallen', is written over a horizontal line.

Zachary M. Wallen, Esquire
Chalmers & Adams LLC
301 South Hills Village Drive
Suite LL200-420
Pittsburgh, PA 15241
Counsel for Respondents Byron Donalds
and Byron Donalds for Congress