

November 3, 2020

Jeff S. Jordan
Federal Elections Commission
1050 First Street, NE
Washington, DC 20463

RE: MUR 7792

Dear Mr. Jordan,

The Friends of Desiree Tims and Alaina Shearer for Congress campaigns received your office's complaint, MUR 7792 ("Complaint"), alleging that the Ohio Democratic Party ("ODP"), Friends of Desiree Tims, Alaina Shearer for Congress, and the candidates associated with those campaigns are violating federal campaign finance laws regarding candidate salary, and the method in which the candidates are being paid. These allegations are baseless, false, and distort federal campaign finance law; this complaint should be dismissed with no further action.

For background, ODP has for several years performed human resources services for participating state and federal campaigns who wish to opt in. Instead of sending funds for payroll to a third party servicer like Paychex, ADP, or Gusto, campaigns send funds, in this instance, to ODP's Federal Account. ODP then processes payroll for the participating campaigns, withholds taxes, and pays the individuals on the participating campaigns, while providing access to health insurance to those campaigns and their staffs. The benefit is that campaigns can pay for access to cheaper and better health insurance made available to larger organizations, rather than the limited options generally made available to smaller campaigns or organizations. ODP should be commended for leadership they provide in providing these services, not attacked.

11 CFR § 113.1(g)(1)(i)(I) sets forth the procedure for how campaigns can provide salary or stipend to candidates while they are running for office, and requires that salary payments are made by a candidate's principal campaign committee. The source of all funds paid to candidates Alaina Shearer or Desiree Tims are their respective campaign committees, ODP is merely an intermediary. The logical import of what the Complaint is alleging is that a candidate being paid by their campaign committee through a third party payroll servicer like Paychex, is being paid by Paychex and not their campaign committee, an absurd premise. The source of the funds used to pay candidate salaries or stipends is what matters here, and the source of the funds is the federal campaign committees. Accordingly, the Tims and Shearer campaigns respectfully request that this Complaint be dismissed with no further action.

If you have any further questions or requests of Friends of Desiree Tims or Alaina Shearer for Congress, or require additional clarification, do not hesitate to contact me at scott@hubayllc.com, or at (216) 282-6732.

Sincerely,



Scott M. Hubay, Esq.
Treasurer and Legal Counsel
Alaina Shearer for Congress
Friends of Desiree Tims