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January 4, 2021

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Jeff S. Jordan, Esq.
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463**Re: MUR 7826**

Dear Mr. Jordan:

We write as counsel to Theresa Greenfield for Iowa (the “*Campaign*”), and Theresa Kehoe, in her official capacity as Campaign Treasurer (collectively, the “*Respondents*”) in response to a Complaint filed by Alan R. Ostergren on October 21, 2020 (the “*Complaint*”), alleging a violation of the Federal Election Campaign Act of 1971, as amended (the “*Act*”), and Federal Election Commission (“*FEC*” or the “*Commission*”) regulations. For the reasons set forth below, the FEC should find no reason to believe Respondents committed any violation of campaign finance law and close the file.

Commission regulations except from the definition of “expenditure” certain payments by state or local political parties for campaign materials used in connection with volunteer activities.¹ The Complaint falsely alleges that the Campaign “staged” volunteer sessions in connection with the Iowa Democratic Party’s (“*IDP*”) volunteer exempt mail program.

The mail program at issue in the Complaint was under the direction and control of the IDP. Despite conclusory allegations that the Campaign violated the Act, the Complaint does not allege any facts that suggest the Campaign was involved with the supposed deceptive activity involving the mail program. The Complaint’s allegations are based entirely on a video recorded by an “undercover reporter” for a partisan group known for promoting right-wing conspiracy theories posed as a volunteer.² The unsubstantiated video purports to feature commentary by a person the Complaint alleges is associated with the IDP speaking about IDP’s volunteer mail program

¹ See 11 C.F.R. § 100.147.

² See MEDIA BIAS/FACT CHECK, “Accuracy in Media,” <https://mediabiasfactcheck.com/accuracy-in-media-aim/> (last visited Jan. 4, 2021).

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during an IDP volunteer session. Nowhere in the video does this person mention any involvement by the Campaign. Likewise, nowhere in the Complaint does Complainant assert *any facts* which, if true, would suggest that the Campaign engaged in any of the purportedly staged volunteer sessions or in any other activity that would amount to a violation of the Act or Commission regulations by the Campaign.

A complaint must include a “clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction[.]”³ Accordingly, a complaint must be dismissed unless it pleads “sufficient specific facts, which, if proven true, would constitute a violation of the [Act]” by the respondent.⁴ Here, there are simply no facts to support any allegation that the Campaign violated the Act or Commission regulations. We therefore respectfully request that the Commission find no reason to believe Respondents violated the Act and close the file.

Sincerely,



Marc Erik Elias
Aria C. Branch
Courtney T. Weisman
Counsel to Respondents

³ 11 C.F.R. § 111.4(d)(3).

⁴ Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, Matter Under Review 4960 (Clinton for U.S. Exploratory Committee) (Dec. 21, 2000).