

# COMPASS

LEGAL SERVICES, INC.

November 19, 2021

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

VIA EMAIL at [cela@fec.gov](mailto:cela@fec.gov)

**Re: MUR 7936: Response of Rep. Marjorie Taylor Greene; Greene for Congress and Perry Greene in his official capacity as treasurer; and Save America Stop Socialism PAC and Perry Greene in his official capacity as treasurer**

Dear Ms. Dennis:

We represent Rep. Marjorie Taylor Greene; Greene for Congress and Perry Greene in his official capacity as treasurer (the “Campaign”); and Save America Stop Socialism PAC and Perry Greene in his official capacity as treasurer (the “Leadership PAC”), and we write in response to your letter regarding the Complaint filed in the above-referenced matter. The Complaint, filed by End Citizens United, a partisan group whose stated purpose is to “[e]lect Democratic candidates,”<sup>1</sup> alleges that the Campaign violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by coordinating an ad with the Leadership PAC. As explained below, the ad was not prepared by the Campaign and was never intended to be a Campaign ad, so therefore should not be considered “campaign material.” As a result, there was no coordination between the Campaign and Leadership PAC and the Commission should find no reason to believe a violation occurred.

According to the Complaint, on or about August 17, 2021, the Campaign posted to its YouTube channel a video of Rep. Greene explaining to the viewer the negative impact of a piece of legislation should it pass the House of Representatives. The Complaint alleges that on September 29, 2021, the same video aired on One America News Network as a paid advertisement with a disclaimer stating that it was paid for by the Leadership PAC. The Complaint concludes that because the Leadership PAC paid for an ad that included a video previously posted by the Campaign, the Leadership PAC republished campaign materials, satisfying the “content prong” of the Commission’s coordinated communications rubric. The coordinated communication, the Complaint assumes, amounted to an excessive contribution to the Committee.

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<sup>1</sup> <https://endcitizensunited.org/about-us/>.

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It appears that this situation was created by a miscommunication between the Campaign and Leadership PAC. The video was prepared and paid for by the Leadership PAC to be run as a Leadership PAC ad. However, an initial cut of the video for the ad was mistakenly posted by the Campaign on YouTube. The YouTube video, however, was not promoted with any Campaign spending and it was ultimately removed from the Campaign's YouTube channel. The Leadership PAC later paid to run the ad on One America News Network as originally intended. The Leadership PAC's \$6,200 disbursement for the ad will be reported on its next periodic report.

Because the video was *prepared by* the Leadership PAC and was always intended to be a Leadership PAC disbursement, the Leadership PAC's use of the video does not meet the content prong. Commission regulations are clear that in order to meet the republication standard of the content prong, the third party payor must "disseminate[], distribute[], or republish[], in whole or in part, campaign materials *prepared by* a candidate or the candidate's authorized committee."<sup>2</sup> The Campaign had no role in preparing the video, and therefore, by definition, the video cannot be considered campaign materials. The video's posting on the Campaign's YouTube channel in error does not change the fact that the video was *prepared by* the Leadership PAC.

The Complaint does not allege any other facts that could satisfy the other four standards of the content prong. Specifically, the ad was not an electioneering communication because it was not run inside the electioneering window, the ad did not expressly advocate for the election or defeat of a clearly identified candidate for federal office, the ad was not the functional equivalent of express advocacy, and the ad was not run within the 90/120 day windows regulating communications that refer to parties or candidates.<sup>3</sup> Instead, the ad, at most, was an issue ad encouraging Republicans to vote against a piece of legislation.

Indeed, it is not even clear the ad would satisfy the FEC's definition of contribution or expenditure because it was not "made for the purpose of influencing" a federal election.<sup>4</sup> The Leadership PAC receives and disburses only hard dollars, so no corporate dollars were used to prepare the video or pay for the ad. Nothing about the ad implicates the Act's "primary purpose to limit the actuality and appearance of corruption."<sup>5</sup> There is no "danger of actual quid pro quo arrangements" between a candidate's authorized committee and their leadership PAC.<sup>6</sup>

Finally, even assuming that the Campaign's erroneous posting of the video to YouTube led to a coordinated communication, the error resulted in at most a \$1,200 excessive contribution by the Leadership PAC to the Campaign. Further, while this would be a relatively *de minimis* alleged violation, both committees take their compliance responsibilities seriously, and as a direct result, the committees have restructured their ad production process to ensure that all ads are thoroughly reviewed to comply with FEC rules and regulations. The Commission should

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<sup>2</sup> See 11 C.F.R. § 109.21(c)(2) (emphasis added).

<sup>3</sup> See 11 C.F.R. § 109.21(c).

<sup>4</sup> See *id.* §§ 100.52, 100.111.

<sup>5</sup> *Buckley v. Valeo*, 424 U.S. 1, 26 (1976).

<sup>6</sup> *Id.*

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decline to pursue such a low dollar violation, particularly when the ad here was clearly not made for the purpose of influencing a federal election, and dismiss the matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "DHR", with a long horizontal flourish extending to the right.

Derek H. Ross  
Scott Gast  
*Counsel to Rep. Marjorie Taylor Greene;  
Greene for Congress and Perry Greene in  
his official capacity as treasurer; and Save  
America Stop Socialism PAC and Perry  
Greene in his official capacity as treasurer*