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July 18, 2022

RECEIVED

By OGC/CELA at 12:12 pm, Jul 20, 2022

Federal Election Commission
Office of General Counsel
ATTN: Don Campbell, Attorney
1050 First Street, N.E.
Washington, D.C. 20463

Re: MUR 8020 on behalf of Pat Ryan for Congress; and Wyatt Brown, Treasurer

Dear Mr. Campbell:

I am writing on behalf of Pat Ryan for Congress, and Wyatt Brown, in his official capacity as Treasurer (collectively, "Respondents") in response to a complaint filed with the Federal Election Commission's ("FEC," or the "Commission") by William Gunnar Truitt.

For the reasons stated below, Mr. Truitt's complaint has no merit whatsoever and should be dismissed.

The factual background relative to this matter is properly summarized in the complaint and does not require recapitulation here. In summary, Pat Ryan is simultaneously a candidate for federal office in two districts. One, a special election and the other a regularly held primary election. This anomaly was caused by the resignation of a member of Congress as well as the shifting of district lines in accordance with 2022 congressional redistricting. A copy of Respondent's Form 1, which fully discloses Mr. Ryan's campaigns and districts is attached to this response.¹

However, the complaint falsely and incorrectly alleges that Pat Ryan for Congress was required to establish separate campaign committees for each election. The Commission has consistently held that a candidate for multiple elections may use one campaign committee in connection with these multiple elections, as long as those elections are for the same Federal office.²

For example, in Advisory Opinion 1980-80, a candidate was running in a primary and a special election, and the Commission confirmed that candidates only need separate committees

¹ The Respondent's filings were made after consultation with the Commission's Reports Analysis Division as to the proper method of filing paperwork under the unique scenario that presented by the multiple elections.

² 11 C.F.R. § 100.4 defines "Federal office" as "the office of . . . Representative . . . the Congress of the United States," and in Advisory Opinion 1982-22, the FEC concluded that "neither the Act nor the Commission's regulations identify Congressional seats as separate Federal offices."

when running for separate offices.³ Additionally, in Advisory Opinion 1984-42, the Commission confirmed that a candidate “seeking election to two separate terms of the same office does not require the establishment to two separate principal campaign committees. The establishment of two separate committees is only required when a candidate is seeking election to more than one ‘office.’”⁴

With respect to Mr. Ryan’s campaign activities, Mr. Ryan is not required to separate his campaigning for the two districts. Mr. Ryan may advocate for his election for each district in any way he chooses whether it be by separate or combined communications.⁵ In Advisory Opinion 1986-31, the Commission instructed a committee that had multiple elections on the same date that it “may treat undesignated contributions which are otherwise lawful as made with respect to either election or both elections. The committee may allocate a portion of an undesignated contribution to the regular election and another portion to the special election as long as such allocation does not result in the contributor’s exceeding his or her (or its) aggregate contribution limitations for both elections.”⁶ Furthermore, the Commission advised that “contributions legally made and accepted with respect to these two elections may be expended for either election or both elections.”⁷

Finally, a committee is not required to specifically notify a donor as to which election a contribution is being allocated to as long as the aggregate contribution limits for each election are not exceeded.⁸

The issues raised in this matter are not cases of first impression and the Commission has consistently allowed candidates who have two elections for the same office on the same date to comport themselves in the exact manner that Pat Ryan for Congress has chosen to structure its activities. To be sure, the campaign specifically sought and received guidance from the Commission prior to filing its paperwork to ensure that its activities were in full compliance with the Act.⁹

³ FEC Advisory Opinion 1980-80 at 2; see also 11 C.F.R. §§ 100.4, 110.8(d)(1).

⁴ FEC Advisory Opinion 1984-42 at 1 (citing FEC Advisory Opinion 1980-80); see also FEC Advisory Opinion 1986-31 at 3 (“The Commission has previously stated that a candidate who participates in both a special election and a general election for the same Federal office is not required to establish two separate committees with respect to each election. Advisory Opinion 1980-80. Instead, such candidate may establish one committee for both elections”).

⁵ It should be noted that ActBlue is not a “vendor” or “agent” of the campaign and any content created by ActBlue is content created by a third-party political committee and is not controlled or disseminated by Pat Ryan for Congress.

⁶ FEC Advisory Opinion 1986-31 at 3.

⁷ *Id.* at 4.

⁸ See FEC Advisory Opinion 2010-17 at 3; FEC Advisory Opinion 1986-31 at 3; see also 11 C.F.R. § 110.1(b)(2)(ii) (a contribution is allocable to the next election being held for that candidate).

⁹ On or about May 26, 2022, Cassie Tinsmon, of Evans & Katz (committee compliance firm) called the FEC Reports Analysis Division and received guidance on the proper way to disclose the fact that Mr. Ryan was a candidate in two elections on the same date.

Based upon the above, the complaint in this matter has no merit and the Commission should find that there is no reason to believe that Respondents violated the Act and immediately dismiss this complaint.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Reiff".

Neil P. Reiff
Counsel to Pat Ryan for Congress
and Wyatt Brown, in his official
capacity as Treasurer

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Pat Ryan for Congress

ADDRESS (number and street) PO Box 2113

(Check if address is changed)

Kingston NY 12402
CITY ▲ STATE ▲ ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed) admin@evanskatz.com

Optional Second E-Mail Address

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed) patryanforcongress.com

2. DATE 07 / 01 / 2022

3. FEC IDENTIFICATION NUMBER C C00815290

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Brown, Wyatt, . . .

Signature of Treasurer Brown, Wyatt, . . . [Electronically Filed] Date 06 / 19 / 2022

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

5. TYPE OF COMMITTEE:

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Ryan, Patrick, , ,

Candidate Party Affiliation Office Sought: House Senate President State District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)
- (g) This committee is an independent expenditure-only political committee (Super PAC).
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (h) This committee is a political committee with both contribution and non-contribution accounts (Hybrid PAC).
 - In addition, this committee is a Lobbyist/Registrant PAC.

Joint Fundraising Representative:

- (i) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (j) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.
2.

Write or Type Committee Name

Pat Ryan for Congress

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship: Connected Organization Affiliated Organization Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

Brown, Wyatt, . .

Mailing Address

PO Box 2113

Kingston

NY

12402

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number

202

548

0880

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

Brown, Wyatt, . .

Mailing Address

PO Box 2113

Kingston

NY

12402

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number

202

548

0880

Full Name of Designated Agent

[Empty grid for Full Name of Designated Agent]

Mailing Address

[Empty grid for Mailing Address line 1]

[Empty grid for Mailing Address line 2]

[Empty grid for Mailing Address line 3]

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

[Empty grid for Title or Position]

Telephone number

[Empty grid for Telephone number]

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Amalgamated Bank

[Empty grid for Name of Bank, Depository, etc.]

Mailing Address

1825 K St NW

[Empty grid for Mailing Address line 2]

Washingtn DC 20006

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

[Empty grid for Name of Bank, Depository, etc.]

Mailing Address

[Empty grid for Mailing Address line 1]

[Empty grid for Mailing Address line 2]

[Empty grid for Mailing Address line 3]

CITY ▲

STATE ▲

ZIP CODE ▲

Image# 202207019517782330

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FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: F1A

Transaction ID :

Candidate for office in the New York 19th district special election and the 18th district primary and general elections.

Form/Schedule:
Transaction ID:



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL ccla@fec.gov

AR/MUR/RR/P-MUR# MUR 8020

Name of Counsel: Neil Reiff

Firm: Sandler Reiff Lamb Rosenstein & Birkenstock, PC

Address: 1090 Vermont Ave NW

Washington, DC 20005

Office#: 202-479-1111 Fax#: _____

Mobile#: _____

E-mail: _____

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7/8/22 _____
Date (Signature - Respondent/Agent/Treasurer) Treasurer Title

Wyatt P Brown
(Name - Please Print)

Pat Ryan for Congress

RESPONDENT: _____
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: PO Box 2113
(Please Print)

Kingston, NY 12402

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: admin@evanskatz.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.