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March 27, 2022

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Roy Lockett, Esq.
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street NE Washington, DC 20463

VIA E-MAIL: cela@fec.gov

Re: MUR 8110: Response for Georgia Action Fund

We write on behalf of Georgia Action Fund and Kayla Gaze, in her official capacity as Treasurer (collectively, the “Respondents”), in response to a complaint (the “Complaint”) filed by David Lewicki (the “Complainant”) alleging that a \$200,000 contribution from RightOn Issues, a tax-exempt organization under Section 501(c)(4) of the Internal Revenue Code, was actually a contribution in the name of another. The Complaint is absent of factual evidence supporting this allegation and offers nothing more than speculations and unsupported legal conclusions. The Federal Election Commission (“Commission”) should promptly dismiss this complaint because it fails to provide the facts necessary to meet the standard needed to warrant an investigation.

The Complaint imagines an elaborate conspiracy theory where a donor donated to Policies, Solutions, and Action for America (“PSAA”), a 501(c)(4) tax-exempt organization, and later made contributions to RightOn Issues and other groups. The Complainant concludes RightOn Issues contribution to the Respondents was part of a scheme to hide the donor’s identity to PSAA. Missing from this Complaint is evidence that the Georgia Action Fund had knowledge of the donation to PSAA, PSAA’s donation to RightOn Issues, or generally any knowledge of PSAA’s political activity.

Under the Federal Election Campaign Act of 1971, as amended (“FECA” or “the Act”), “[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution and no person shall knowingly accept a contribution made by one person in the name of another person.” 52 U.S.C. 30122. As such, in order for the Commission to find reason-to-believe against the Respondents, the Complaint must provide evidence to show that at the time the Respondent accepted the contribution, the Respondent knew that the contribution from RightOn Issues was in fact from another donor.

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The Complaint fails to meet this standard and should be dismissed because it provides no evidence that the Respondents “knowingly” accepted a contribution in the name of another. If read devoid of speculations and legal conclusions, the Complaint demonstrates that the Respondents followed the law and Commission regulations.

Respondents here permissibly accepted a contribution from RightOn Issues, a 501(c)(4) tax-exempt organization. This was in accordance with FECA and Commission regulations. Courts have consistently concluded that independent expenditure-only committees, such as the Respondent, are permitted to accept contributions from individuals, corporations, labor unions, associations, and other business entities, including LLCs. *See SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010); *see also Citizens United v. FEC*, 558 U.S. 310 (2010). Further, the Respondent properly disclosed the contribution in compliance with the law and Commission guidance.¹

Here, the Respondents received a contribution from RightOn Issues—a small portion of the over \$5,000,000 Georgia Action Fund raised in the 2020 cycle. There was and still is nothing suspicious about the contribution. The contribution was deposited and reported in full compliance with the Act. At that point, the Respondents were under no further obligation to take additional action with respect to this contribution.

In an attempt to muddy the waters regarding Georgia Action Fund’s lawful acceptance of the contribution, the Complainant hypothesizes out of thin air that because Kayla Glaze was the Custodian of Records for RightOn Issues, she would “likely [have] learned Righton Issues was making contributions in the name of another, and thus that Georgia Action Fund would knowingly receive a conduit contribution from RightOn Issues.” As the Commission has long made clear, “[t]he Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA.”² Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true.³ Moreover, the Commission will dismiss a complaint when the allegations are refuted with sufficiently compelling evidence.⁴

In making this allegation, the Complainant concedes he does not have evidence to substantiate this claim by using phrases such as “likely have learned.” Additionally, the

¹ Receipts, Georgia Action Fund, (last accessed March 23, 2023), https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00693606&two_year_transaction_period=2020

² MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith, and Scott E. Thomas at 1.

³ Id.

⁴ Id.

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Complainant fails to recognize that the custodian of records is merely a ministerial role that is not involved in political strategy or soliciting donations of an organization. Importantly, Ms. Glaze did not have knowledge of the contribution to PSSA or the internal business of PSSA. *See* Kayla Glaze, Declaration (March 27, 2023).

The Commission should promptly dismiss this complaint because it fails to provide the facts necessary to meet the standard needed to warrant an investigation. The Complainant provides no evidence to show that the Respondent knowingly accepted a contribution that was in the name of another. Reason-to-believe is “no rubber stamp”⁵— complaints based on mere speculation or conclusory statements have not, and should not, be the basis for an investigation.⁶ Therefore, we respectfully ask the Commission to find no reason-to-believe and close the file on this matter.

Respectfully submitted,



Charlie Spies

Benjamin Mehr

Counsel to Georgia Action Fund and Kayla Glaze

⁵ Statement of Reasons by Vice Chairman Allen Dickerson and Commission James “Trey” Trainor III at 3, MURs 7427, 7497, 7524, 7553, 7560, 7621, 7654, 7660 and 7558 (NRA, *et. al*).

⁶ *Id.*; *see also* Statement of Reasons of Comm’rs Mason, Sandstrom, Smith, and Thomas at 1, MUR 4960 (Clinton) at 1-2, (Dec. 21, 2000) (“The Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of [the Federal Election Campaign Act (“FECA” or “Act”), as subsequently amended].”); First General Counsel’s Report at 5, MUR 5467 (Michael Moore) (“[p]urely speculative charges, especially when accompanied by a direct refutation, do not form an adequate basis to find a reason to believe that a violation of the FECA has occurred.”).

BEFORE THE FEDERAL ELECTION COMMISSION

Declaration of)
) MUR 8110
 Kayla Glaze)
)

DECLARATION OF KAYLA GLAZE

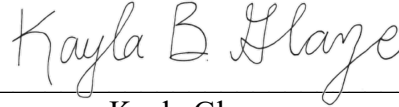
I, Kayla Glaze, declare:

1. I am at least 18 years of age, and I have personal knowledge of the facts as stated in this Declaration.
2. I am a Certified Public Accountant at the Crosby Ottenhoff group.
3. In this role, I provide various accounting and compliance services to over 75 clients, including serving as the Treasurer for multiple organizations.
4. I currently serve as the Treasurer for Georgia Action Fund, and served as Treasurer during the time period relevant to this complaint.
5. As the Treasurer of Georgia Action Fund, my responsibilities include keeping detailed and accurate accounts of all contributions received and expenditures made by the committee and ensuring Georgia Action Fund properly reports these contributions and expenditures to the Federal election Committee.
6. Among other clients, I also serve as the Custodian of Records for RightOn Issues, a 501(c)(4) organization, and served in this role during the time period relevant to the complaint.
7. As the Custodian of Records, my duties are ministerial. I am responsible for bookkeeping and accounting. I am not involved in or privy to information regarding political strategy or soliciting donations for the organization. I record a donation when it is received, but am not involved in the solicitation of such donation.
8. RightOn Issues received a donation from Policies, Solutions, and Action For America ("PSSA"), a 501(c)(4) organization.
9. During the time period relevant to this complaint, my only knowledge of this donation was that it was received by RightOn Issues. My duties included notifying relevant staff at RightOn Issues that the donation was received and ensuring the bookkeeping was accurate.
10. During the time period relevant to this complaint, I had no knowledge of any funding source to PSAA, no knowledge of any information regarding PSAA's political strategy, and no knowledge of any information that would raise suspicions or concerns about the donation.
11. On September 21 2020, Georgia Action Fund received a contribution from RightOn Issues.
12. There was nothing suspicious or concerning about the contribution.

13. The contribution came in the form of a wire transfer and included the relevant information needed to accurately report the contribution to the Federal Election Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27 th day of March, 2021

A handwritten signature in cursive script that reads "Kayla B. Glaze". The signature is written in black ink and is positioned above a horizontal line.

Kayla Glaze