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250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

October 27, 2023

**VIA E-MAIL**

Lisa J. Stevenson, Acting General Counsel  
Attn: Kathryn Ross, Paralegal  
Federal Election Commission  
Office of Complaints Examination  
& Legal Administration  
1050 First Street, NE  
Washington, DC 20463  
cela@fec.gov

**Re: Matter Under Review 8179 (Friends of Lucy McBath; Ashton Narzisi in her official capacity as Treasurer of Friends of Lucy McBath; Lucia Kay McBath)**

Dear Ms. Stevenson:

We write as counsel to Friends of Lucia McBath, Ashton Narzisi in her official capacity as Treasurer of Friends of Lucy McBath, and Representative Lucia Kay McBath (collectively, “Respondents”), in response to the complaint filed by Bill Griffin (“Complainant”) in Matter Under Review 8179 (the “Complaint”).

The Complaint makes vague and unsubstantiated claims that a video advertisement distributed by Representative McBath’s official U.S. House of Representatives office—and approved by the House Communications Standards Commission—violates the law.<sup>1</sup> The Complaint also states, without a shred of factual support or legal analysis, that Representative McBath is “abusing her office.” Complainant fails to allege any violations of the Federal Election Campaign Act of 1971, as amended (the “Act”) or regulations of the Federal Election Commission (the “FEC”). Thus, the FEC should rescind sending this Complaint to Respondents as it does not describe a violation of any statute or regulation over which the Commission has jurisdiction or, in the alternative, immediately dismiss the Complaint for failing to allege sufficient facts that, if proven true, would constitute a violation of the Act, and close this file.

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<sup>1</sup> Although Complainant asserts that Respondents have done something “illegal,” Complainant never alleges any specific violation of the law, nor does he cite to any relevant legal authority within the Complaint.

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## FACTUAL BACKGROUND

Complainant asserts that he has seen “multiple video advertisements [featuring Representative McBath] on You[T]ube and other internet platforms such as Pluto TV.”<sup>2</sup> Complainant seemingly takes offense to a specific video advertisement in which Representative McBath discusses some of her legislative priorities and accomplishments, including her work to advance legislation that reduces insulin and prescription drug costs.<sup>3</sup> The video that the Complainant appears to question was approved as a “frankable” digital advertisement by the House Communications Standards Commission on April 18, 2023.<sup>4</sup> Specifically, the House Communications Standards Commission classified the advertisement as frankable because it addresses “matters of public concern or public service, including...matter[s] relating to actions of a past or current Congress.”<sup>5</sup>

## LEGAL DISCUSSION

A Complaint before the FEC must recite facts which “describe a violation of a statute or regulation over which the Commission has jurisdiction.”<sup>6</sup> “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 [the Act].”<sup>7</sup>

The Complaint does not remotely satisfy even the basic requirements of a complete and proper complaint. The Complaint does not allege that Respondents have violated any specific law or FEC regulation in their dissemination of the video or any other official communications over which the FEC has jurisdiction. Further, the Complaint does not set forth facts that, if true, would constitute a violation of the Act. Rather, Complainant baselessly asserts that it is his “understanding” that the distribution of the franked video “is illegal.”<sup>8</sup>

The House Communications Standards Commission is solely responsible for the regulation of official communications made by Members of the U.S. House of Representatives, including

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<sup>2</sup> Compl. at 1.

<sup>3</sup> *Id.* Based on the screenshot attached to the Complaint, it appears that the video advertisement Complainant believes to be illegal is “Digital Ad-CTV-30s Insulin Ad,” which can be viewed in full at the following web address: <https://www.youtube.com/watch?v=LYcnswnx1nc>. (last accessed Sept. 20, 2023). The video includes a disclaimer that is required by the House Communications Standards Commission for franked communications: “Paid for by the Office of Congresswoman Lucy McBath.”

<sup>4</sup> Advisory Opinion No. 42565-9, House Communications and Standards Commission, U.S. House of Representatives (April 18, 2023), available at [https://frankingfiles.house.gov/AO\\_28-42565-9.pdf](https://frankingfiles.house.gov/AO_28-42565-9.pdf).

<sup>5</sup> *See id.*; 39 U.S. Code § 3210(a)(5)(A).

<sup>6</sup> 11 C.F.R. § 111.4(d)(3).

<sup>7</sup> FEC Matter Under Review 4960 (Clinton for U.S. Exploratory Committee), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas (Dec. 21, 2000).

<sup>8</sup> Compl. at 1.

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digital advertisements.<sup>9</sup> “Franked” communications are communications sent from a Congressional office regarding official Congressional business.<sup>10</sup> A communication that the House Communications Standards Commission approves as “franked” via its Advisory Opinion process is paid for with the official funds of the Congressional office that sends out the communication.<sup>11</sup> Under federal law, the costs associated with franked communications are not considered to be contributions to—or expenditures for—a Member of Congress’ Congressional candidate committee; therefore, the contents of franked communications are not under the jurisdiction of the FEC.<sup>12</sup> There are no other allegations that are made with any specificity to suggest jurisdiction by the FEC. Thus, the Complainant has failed to assert a violation of any law or regulation under the FEC’s jurisdiction.

The Complaint also fails to allege any facts that would constitute a violation of the Act, if proven true.<sup>13</sup> “[U]nwarranted legal conclusions” and mere speculation will not be accepted as true.<sup>14</sup> The Complaint provides no facts that give rise to the slightest inference of wrongdoing. Instead, it simply references an advertisement from Representative McBath’s official office and concludes that Respondents have engaged in some unspecified violation of the law and abuse of her office. These allegations, about an official-side advertisement, are baseless and fail to allege any violation of any specific law.

Therefore, we respectfully request that the FEC rescind sending this Complaint to Respondents as it does not describe a violation of any statute or regulation over which the Commission has jurisdiction or, in the alternative, immediately dismiss this matter for failing to allege facts that would constitute a violation of the Act, if proven true, close the file, and take no further action.

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<sup>9</sup> 39 U.S.C. § 3210(a)(5); “The House of Representatives Communications Standards Manual,” U.S. House of Representatives (Sept. 21, 2023), at 1, available at [https://cha.house.gov/\\_cache/files/0/0/007fab34-97cc-419b-b063-70b9299445e7/0F8965C39CA29112125299E43FDF595C.communications-standards-manual---updated-9.21.23-34-.pdf](https://cha.house.gov/_cache/files/0/0/007fab34-97cc-419b-b063-70b9299445e7/0F8965C39CA29112125299E43FDF595C.communications-standards-manual---updated-9.21.23-34-.pdf).

<sup>10</sup> *Id.* at 2.

<sup>11</sup> *Id.* at 1, 4.

<sup>12</sup> See 39 U.S.C. § 3210(g) (“Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under...on franked mail mailed under the frank of...a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by...a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.”).

<sup>13</sup> FEC Matter Under Review 4960 (Clinton for U.S. Exploratory Committee), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas (Dec. 21, 2000).

<sup>14</sup> *Id.*

Lisa J. Stevenson, Acting General Counsel  
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Sincerely,

A handwritten signature in blue ink, appearing to be "RJ" with a flourish.

Rachel L. Jacobs  
Elizabeth P. Poston

Counsel to Respondents



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

**STATEMENT OF DESIGNATION OF COUNSEL**

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

AR/MUR/RR/P-MUR# MUR 8179

Name of Counsel: Rachel Jacobs & Elizabeth Poston

Firm: Elias Law Group LLP

Address: 250 Massachusetts Ave NW, Suite 400

Washington, DC 20001

Office#: 202-968-4505 Fax#: N/A

Mobile#: N/A

E-mail: rjacobs@elias.law; eposton@elias.law

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.

10/23/2023 Ms Ashton C Narzisi Treasurer  
Date (Signature - Respondent/Agent/Treasurer) Title

Ashton C Narzisi  
(Name - Please Print)

Friends of Lucy McBath - Ashton Narzisi in her official capacity as Treasurer

**RESPONDENT:** \_\_\_\_\_  
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 375 Rockbridge Rd NW, Suite 172-255  
(Please Print)

Lilburn, GA 30047

Home#: N/A Mobile#: [REDACTED]

Office#: 423-443-3308 Fax#: N/A

E-mail: ashton@bluewavepolitics.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.



FEDERAL ELECTION COMMISSION  
1050 First Street, NE  
Washington, DC

**STATEMENT OF DESIGNATION OF COUNSEL**

Provide one form for each Respondent/Witness

**E-MAIL: [cela@fec.gov](mailto:cela@fec.gov)**

**AR/MUR/RR/P-MUR#**                     **MUR 8179**                    

Name of Counsel: Rachel Jacobs & Elizabeth Poston

Firm: Elias Law Group LLP

Address: 250 Massachusetts Ave NW, Suite 400

Washington, DC 20001

Office#: 202-968-4505 Fax#: N/A

Mobile#: N/A

E-mail: [rjacobs@elias.law](mailto:rjacobs@elias.law); [eposton@elias.law](mailto:eposton@elias.law)

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.

10/25/23

**Congresswoman**

Date

(Signature - Respondent/Agent/Treasurer)

Title

**Lucia Kay McBath**

(Name - Please Print)

**RESPONDENT:** Lucia Kay McBath  
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 375 Rockbridge Rd NW, Suite 172-255  
(Please Print)

Lilburn, GA 30047

Home#: \_\_\_\_\_ Mobile#: \_\_\_\_\_

Office#: \_\_\_\_\_ Fax#: \_\_\_\_\_

E-mail: [lucy@lucyforcongress.com](mailto:lucy@lucyforcongress.com)

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