

**CAPLIN & DRYSDALE**

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August 15, 2023

**VIA ELECTRONIC MAIL (CELA@FEC.gov)**

Ms. Wanda D. Brown  
Assistant General Counsel  
Federal Election Commission  
Attn: Christal Dennis, Paralegal  
1050 First Street, NE  
Washington, DC 20463

**Re: RR 23L-36—Response of Country Over Party PAC (Paul Kilgore - Treasurer)**

Dear Ms. Brown:

I write on behalf of my client, Country Over Party PAC (f.k.a. Kinzinger for Congress), to respond to a recent Reports Analysis Division Referral. The Referral asserts that a total of \$133,450 in general-election contributions “were not refunded or redesignated within the permissible timeframe.”<sup>1</sup>

Congressman Kinzinger announced his retirement on October 29, 2021. The Committee proceeded to issue 84 general-election refunds totaling \$219,050 by November 29, 2021. As the Committee explained in a August 22, 2022 communication to the Commission, though, some of the contributions that it received via a joint fundraising committee that were allocated to the general election did not originally get refunded due to a software issue that was unknown at the time.<sup>2</sup> Because both the Committee and the joint fundraising committee were housed in the same software database, the contributions given originally to the joint fundraising committee and then allocated to the Committee for the 2022 general election were not included in the software report that the Committee compiled when it went to issue post-retirement refunds. The Committee discovered this issue with the software only after it received a Request For Additional Information from the Commission on June 30, 2022. The Committee then promptly remedied all general-election contributions.

The Committee initially erred because of this unknown software issue, but it acted promptly upon notification of the issue and has now taken steps to prevent any recurrences. Importantly, the Committee remedied all general-election contributions prior to the issuance of the Referral. No interest is served by dedicating additional resources to an issue that has already been resolved by the Committee itself.<sup>3</sup> In light of this, the Committee respectfully suggests that the Commission exercise its discretion and decline to open a Matter Under Review.

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<sup>1</sup> Referral at 1.

<sup>2</sup> Country Over Party PAC, FEC Form 99 (Aug. 2, 2022).

<sup>3</sup> See, e.g., FEC Matter Under Review 6811, *First General Counsel's Report* (recommending dismissal when the respondent had already remedied issue with general-election contributions).

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Respectfully Submitted,

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

Matthew T. Sanderson  
Member  
Caplin & Drysdale, Chartered