



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

VIA ELECTRONIC MAIL
tommyzaino@zhflaw.com

March 13, 2025

Tommy Zaino
Zaino Hall & Farrin, LLC
41 S. High St.
Suite 3600
Columbus, OH 43215

RE: MUR 8243
Brandon Herrera, *et al.*

Dear Mr. Zaino:

On April 24, 2024, the Federal Election Commission notified your clients, Brandon Herrera for Congress and Thomas Datwyler in his official capacity as treasurer, BASED PAC, formerly known as Because Real Americans Never Doubt Our Nation (“BRANDON PAC”) and Thomas Datwyler in his official capacity as treasurer, and Brandon Herrera Victory Committee and Thomas Datwyler in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). A copy of the Complaint was forwarded to your clients at that time. Upon further review of the allegations contained in the complaint and your response, the Commission, on January 28, 2025, voted to dismiss allegation against your clients and close the file, effective March 13, 2025.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Factual and Legal Analyses or Statements of Reasons available at the time of this letter’s transmittal are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission’s dismissal of this action within 60 days of the dismissal,

MUR 8243 (Brandon Herrera, *et al.*)

Letter to Tommy Zaino

Page 2 of 2

which became effective today. *See* 52 U.S.C. § 30109(a)(8). If you have any questions, please contact Margaret Forman, the attorney assigned to this matter, at (202) 694-1650 or mforman@fec.gov.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Mark Shonkwiler

BY: Mark Shonkwiler
Assistant General Counsel

Enclosure

Factual and Legal Analysis

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENTS: Brandon Herrera MUR 8243

4 Brandon Herrera for Congress and Thomas
5 Datwyler in his official capacity as treasurer
6 BASED PAC and Thomas Datwyler in his official
7 capacity as treasurer, formerly known as Because
8 Real Americans Never Doubt Our Nation
9 (“BRANDON PAC”)
10 Brandon Herrera Victory Committee and
11 Thomas Datwyler in his official capacity as
12 treasurer

I. INTRODUCTION

15 This matter arises from a Complaint alleging that Brandon Herrera, a 2024 candidate in
16 Texas’s 23rd congressional district; his principal campaign committee, Brandon Herrera for
17 Congress and Thomas Datwyler in his official capacity as treasurer (the “Herrera Committee”);
18 his leadership PAC, BASED PAC and Thomas Datwyler in his official capacity as treasurer (the
19 “Leadership PAC”); and a joint fundraising committee in which the Herrera Committee and the
20 Leadership PAC participate, Brandon Herrera Victory Committee and Thomas Datwyler in his
21 official capacity as treasurer (the “Joint Fundraising Committee”), violated the Federal Election
22 Campaign Act of 1971, as amended (the “Act”), by using the Joint Fundraising Committee’s
23 funds that were attributable to the Leadership PAC to pay for campaign-related activities that
24 should have been paid for by the Herrera Committee, causing the Leadership PAC to make and
25 the Herrera Committee to receive excessive, unreported in-kind contributions as well as the Joint
26 Fundraising Committee to violate the rules on joint fundraising. The Complaint also alleges that
27 the Joint Fundraising Committee misreported the purpose of disbursements in order to obfuscate
28 their true nature.

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 2 of 12

1 Respondents deny the allegations, arguing that the Joint Fundraising Committee's
2 disbursements were permissible for activities beyond fundraising itself, such as advertising,
3 administrative, and personnel. Respondents refute the specific allegation that any funds
4 attributable through the joint fundraising agreement to the Leadership PAC were used to pay for
5 any expenses of the Herrera Committee, and therefore deny that the Leadership PAC made an
6 excessive in-kind contribution.

7 As explained below, the Response asserts, and there is no factual basis to dispute, that the
8 disbursements made by the Joint Fundraising Committee were to the benefit of both the
9 Leadership PAC and the Herrera Committee and for joint fundraising purposes, rather than to
10 fund the Herrera Committee's campaign expenses. Therefore, the Complaint's allegation
11 regarding the true nature of the disbursements is speculative, and the Commission dismisses the
12 allegations: that the Joint Fundraising Committee violated 52 U.S.C. § 30102(e)(3) and
13 11 C.F.R. § 102.17(b)(1) by using Joint Fundraising Committee funds attributable to the
14 Leadership PAC to pay for campaign-related activities on behalf of the Herrera Committee; that
15 the Leadership PAC violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R. § 110.1(b) by making
16 excessive contributions to the Herrera Committee, and that the Leadership PAC violated
17 52 U.S.C. § 30104(b)(5) and 11 C.F.R. § 104.3(b)(3)(i) by failing to report the expenditures; that
18 Herrera and the Herrera Committee violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 110.9 by
19 knowingly accepting the in-kind contributions and that the Herrera Committee violated
20 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b)(4) by failing to report the in-kind
21 contributions; and that the Herrera Committee and the Joint Fundraising Committee violated
22 52 U.S.C. § 30104(b)(5)-(6) and 11 C.F.R. 104.3(b)(4) by misreporting the purpose of those
23 disbursements.

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 3 of 12

1 **II. FACTUAL BACKGROUND**

2 Brandon Herrera ran in the 2024 primary election for Texas's 23rd Congressional
 3 District,¹ and qualified for a subsequent runoff election, which he lost.² Brandon Herrera for
 4 Congress is Herrera's principal campaign committee.³ BASED PAC is a leadership PAC
 5 controlled by Herrera.⁴ Brandon Herrera Victory Committee is a joint fundraising committee of
 6 which the Herrera Committee and Leadership PAC are participants.⁵ Herrera disclosed the Joint
 7 Fundraising Committee on his Statement of Candidacy as an authorized committee.⁶

8 The Complaint alleges that the Joint Fundraising Committee used funds allocated to the
 9 Leadership PAC to pay the Herrera Committee's campaign expenses, and therefore that the Joint
 10 Fundraising Committee violated the rules on joint fundraising, and the Leadership PAC made,
 11 and the Herrera Committee knowingly accepted, excessive in-kind contributions.⁷ Focusing on
 12 the Joint Fundraising Committee's 2024 April Quarterly Report, the Complaint alleges that

¹ Texas Secretary of State, Official Canvass Report, 2024 March 5th Republican Primary (Mar. 5, 2024) at 5, <https://results.texas-election.com/static/data/Reports/49666/OfficialCanvassReport.pdf?v=1726000006446>.

² Texas Secretary of State, Official Canvass Report, 2024 May 28th Republican Primary Runoff (May 28, 2024) at 1, <https://results.texas-election.com/static/data/Reports/50027/OfficialCanvassReport.pdf?v=1725652331438>.

³ Brandon Herrera for Congress, Amended 2023 Statement of Organization at 3 (Sept. 18, 2023), <https://docquery.fec.gov/pdf/796/202309189597071796/202309189597071796.pdf>.

⁴ Because Real Americans Never Doubt Our Nation PAC, Amended 2024 Statement of Organization at 3 (Mar. 26, 2024) <https://docquery.fec.gov/pdf/991/202403269627407991/202403269627407991.pdf>; Brandon Herrera Victory Committee, Amended 2023 Statement of Organization at 2 (Sept. 18, 2023), <https://docquery.fec.gov/pdf/778/202309189597071778/202309189597071778.pdf> (Statement of Organization at time of Complaint).

⁵ Brandon Herrera Victory Committee, 2023 Statement of Organization at 2 (Sept. 18, 2023), <https://docquery.fec.gov/pdf/778/202309189597071778/202309189597071778.pdf>; Resp. at 3 (June 7, 2024). The Republican Party of Texas is listed as a participant in an amended Statement of Organization filed after the date of this Complaint, however, relevant disclosure reports do not show activity pertaining to this entity prior to the primary runoff election. *See* Amended 2023 Statement of Organization at 2, 5 (May 8, 2024), <https://docquery.fec.gov/pdf/570/202405089645562570/202405089645562570.pdf>.

⁶ Brandon Herrera, Amended 2023 Statement of Candidacy at 1 (Sept. 18, 2023), <https://docquery.fec.gov/pdf/801/202309189597071801/202309189597071801.pdf>.

⁷ Compl. at 2 (Apr. 18, 2024).

MUR 8243 (Brandon Herrera)
 Factual and Legal Analysis
 Page 4 of 12

1 \$267,000 in payments for “Campaign Consulting,” “Media Placement,” and “Texting,” are all
 2 “activities typically conducted on behalf of a campaign in the form of mass media advertising
 3 and voter outreach – not fundraising.”⁸ The Complaint further alleges that all of the expenses in
 4 question were paid to “Texas Strategy Group,” an entity that shares the same address as the
 5 current treasurer’s former compliance firm.⁹ The Complaint asserts that “[t]his circumstantial
 6 evidence provides clear reason to believe that Herrera and the Joint Fundraising Committee have
 7 been misreporting payments” and that “Herrera is illegally using his joint fundraising committee
 8 to pay directly for his campaign expenses” that should be paid by his principal campaign
 9 committee in violation of 11 C.F.R. § 102.17(b)(1).¹⁰

10 The Response asserts that the Complaint’s charges are “purely speculative,”¹¹ “not supported
 11 by any actual facts or evidence that the Respondents acted in violation of the Act,”¹² and that the
 12 Commission has recognized that “a joint fundraising committee can serve as a vehicle for the
 13 payment of fundraising, advertising, administrative and/or personnel costs”¹³ and therefore “can
 14 do more than just serve as a ‘fundraising vehicle.’”¹⁴ The Response also argues the participants

⁸ *Id.* at 1; *see* Brandon Herrera Victory Committee, 2024 April Quarterly Report at 96-99 (Apr. 15, 2024), <https://docquery.fec.gov/pdf/368/202404159627878368/202404159627878368.pdf>.

⁹ Compl. at 2. FEC disclosure reports show that, in addition to the Joint Fundraising Committee, the Herrera Committee and the Leadership PAC both disclosed disbursements to Texas Strategy Group. *FEC Disbursements: Filtered Results*, FEC.gov, https://www.fec.gov/data/disbursements/?data_type=processed&recipient_name=texas+Strategy+Group&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024 (last visited Oct. 31, 2024) (showing all disbursements by Respondent committees to “Texas Strategy Group” during the 2024 election cycle).

¹⁰ Compl. at 2. The Complaint also quotes Transfer of Funds; Collecting Agents, Joint Fundraising, 48 Fed. Reg. 26296, 26298 (June 7, 1983) (“Specifically the [JFC] is responsible for collecting contributions, paying the costs of the fundraising effort, and disbursing the net proceeds to each participant”).

¹¹ Resp. at 1 (June 7, 2024).

¹² *Id.* at 2.

¹³ *Id.* (citing Advisory Opinion 2007-24 (Burkee/Walz) (“AO 2007-24”)).

¹⁴ *Id.* (quoting Compl. at 2).

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 5 of 12

1 here were not required to allocate their expenses, asserting that participants in a fundraising
2 agreement are only required to allocate costs for campaign expenses if they are not affiliated.¹⁵
3 The Response states that the two participating committees here were affiliated because they are
4 “maintained and controlled by the same person, namely Brandon Herrera.”¹⁶ The Response also
5 asserts that the terms of the joint fundraising agreement were followed as to allocation between
6 the participants, and that none of the disbursements at issue “were improperly spent . . . for the
7 principal campaign committee – Brandon Herrera for Congress.”¹⁷ Finally, the Response also
8 asserts that “to ensure there is 100% clarity on that issue, there were no funds allocated or
9 attributable to the leadership PAC . . . that were used to pay for any expenses of the principal
10 campaign committee [].”¹⁸

11

¹⁵ See *id.* at 2-3.

¹⁶ *Id.* at 3.

¹⁷ *Id.*

¹⁸ *Id.*

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 6 of 12

1 **III. LEGAL ANALYSIS**

2

3 **A. The Commission Dismisses the Allegation that Respondents Violated**

4 **52 U.S.C. §§ 30102(e)(3), 30116(a)(1)(A), 30116(f) and 11 C.F.R.**

5 **§§ 102.17(b)(1), 110.1(b), 110.9 by Using Funds Attributable to the**

6 **Leadership PAC for the Herrera Committee's Campaign Expenses,**

7 **Resulting in an Excessive, In-Kind Contribution**

8

9 The Act and Commission regulations allow candidates and political committees to

10 engage in joint fundraising by either establishing a separate political committee or selecting a

11 participating committee to serve as their joint fundraising representative.¹⁹ Joint fundraising

12 committees are responsible for collecting contributions, paying fundraising costs, distributing the

13 proceeds, maintaining records and properly disclosing contributions and expenses.²⁰ Joint

14 fundraising representatives must report all funds received and all disbursements made in the

15 reporting period in which they are received and made, respectively.²¹ A participant may pay for

16 another unaffiliated participant's expenses, though it is treated as a contribution and subject to

17 contribution limits.²² While affiliated committees may make unlimited contributions to one

18 another, an authorized committee cannot be affiliated with an unauthorized committee, such as a

19 leadership PAC.²³ Consequently, when not all participants are affiliated, each participant must

20 pay its own allocated amount of joint fundraising expenses, and no participant may make a

21 contribution to any other participant in excess of the contribution limits.²⁴ Additionally, an

22 unauthorized committee, such as a leadership PAC, that does not meet the requirements of a

¹⁹ 52 U.S.C. § 30102(e)(3)(A)(ii); 11 C.F.R. § 102.17(a).

²⁰ 11 C.F.R. § 102.17(b), (c).

²¹ *Id.* § 102.17(c)(8).

²² *Id.* § 102.17(c)(7)(i)(B). Affiliated committees may make unlimited contributions to one another. *Id.* § 102.17(c)(7)(ii); *see id.* §§ 100.5(g)(2), 110.3.

²³ 11 C.F.R. § 100.5(e)(6), (g)(5), 102.17(c)(7)(i)-(ii); *see id.* §§ 100.5(g)(2), 110.3.

²⁴ 11 C.F.R. § 102.17(c)(7)(i)-(ii); *see id.* Part 110.

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 7 of 12

1 multicandidate committee is limited to an aggregate of \$3,300 per election in contributions to
 2 any candidate or authorized committee for the 2024 election cycle.²⁵ No candidate or political
 3 committee may knowingly accept a contribution in excess of the limitations.²⁶

4 The Act defines the term “contribution” to include “any gift, subscription, loan, advance,
 5 or deposit, or anything of value made by any person for the purpose of influencing any election
 6 for Federal office.”²⁷ The term “anything of value” includes all in-kind contributions, which
 7 generally involve “the provision of any goods or services without charge or at a charge that is
 8 less than the usual and normal charge for such goods or services.”²⁸ Political committees are
 9 required to report the contributions they receive and disbursements made on a periodic basis.²⁹

10 In addition to the amount of each contribution, authorized committees in particular are required
 11 to report certain identifying information about the contributor if the amount of the contribution or
 12 contributions in aggregate exceeds \$200 in a calendar year, including the contributor’s name,
 13 address, occupation and name of employer.³⁰ The Act and Commission regulations also require
 14 political committees to report the name and address of each person to whom they make
 15 expenditures or other disbursements aggregating more than \$200 per calendar year, as well as the
 16 date, amount, and purpose of such disbursements.³¹

17 The Commission previously has permitted activities that included both a fundraising and
 18 a campaigning or advertising component to be conducted by participants in a joint fundraising

²⁵ 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b).

²⁶ 52 U.S.C. § 30116(f); 11 C.F.R. § 110.9.

²⁷ 52 U.S.C. § 30101(8)(A)(i); *see also* 11 C.F.R. § 100.52(a).

²⁸ 11 C.F.R. § 100.52(d)(1).

²⁹ 52 U.S.C. § 30104(a), (b); *see also* 11 C.F.R. §§ 104.3, 104.5.

³⁰ 11 C.F.R. §§ 100.12, 104.3(b).

³¹ 52 U.S.C. § 30104(b)(5), (6); 11 C.F.R. § 104.3(b)(3)(i), (b)(4)(i).

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 8 of 12

1 agreement so long as the funds and associated costs were allocated appropriately between the
 2 two participant committees.³²

3 The Complaint alleges that Respondents violated the Act by using the Joint Fundraising
 4 Committee's funds that were attributable to the Leadership PAC to pay for campaign-related
 5 activities that should have been paid for by the Herrera Committee, causing the Leadership PAC
 6 to make excessive, unreported in-kind contributions to the Herrera Committee. The Complaint
 7 also alleges that the Joint Fundraising Committee misreported the purpose of disbursements in
 8 order to obfuscate their true nature.

9 Here, disbursements made by the Joint Fundraising Committee on behalf of the Herrera
 10 Committee would only comprise an excessive and unreported in-kind contribution from the
 11 Leadership PAC to the Herrera Committee if any portion of the funds were allocable to the
 12 Leadership PAC, above the contribution limits.³³ In such a scenario, the Joint Fundraising
 13 Committee would be making disbursements to the benefit of the Herrera Committee with funds
 14 that are attributable to the Leadership PAC and which should only have been transferred to or
 15 used to benefit the Leadership PAC. However, the Respondents assert that no funds attributable
 16 to the Leadership PAC were used by the Joint Fundraising Committee to pay for the Herrera
 17 Committee's expenses and the Commission is in possession of no information to the contrary.³⁴

³² See AO 2007-24 at 4-5, 7-8. “Expenses for joint advertising efforts *that include solicitations* must be allocated to [the two committees] under the joint fundraising agreement based on each candidate’s allocation of receipts from the joint advertising” and “joint campaign events and advertising activities that *do not include solicitations*, expenditures made on behalf of more than one clearly identified candidate must be “attributed to each such candidate according to the benefit reasonably expected to be derived.” *Id.* (emphasis added) (citing 11 C.F.R. § 106.1(a)(1)).

³³ See 11 C.F.R. § 102.17(c)(6), (7). Additionally, the Leadership PAC has not made contributions to five or more candidates and therefore is not a multicandidate committee. See *id.* § 100.5(e)(3)(iii). Thus, it was limited to \$3,300 per election in contributions to any candidate or candidate’s authorized committee in the 2024 election cycle. 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. § 110.1(b).

³⁴ See Resp. at 3.

MUR 8243 (Brandon Herrera)
 Factual and Legal Analysis
 Page 9 of 12

1 The Complaint assumes, without providing supporting evidence, that funds attributable to the
 2 Leadership PAC were used to fund activities that benefited the Herrera Committee. On their
 3 face, the reported disbursements at issue — for “Campaign Consulting,” Media Placement,” and
 4 “Texting” — do not appear, as the Complaint suggests, to have been for activities unrelated to
 5 joint fundraising that must have been for the specific benefit of the Herrera Committee.³⁵

6 The Complaint also asserts, without any supporting evidence, that the Joint Fundraising
 7 Committee may have misreported the purpose of the disbursements to hide their true purpose.
 8 They were made to “Texas Strategy Group,” an entity that shares the same address as the Herrera
 9 Committee’s treasurer’s former compliance firm, which the Complaint takes as a suggestion that
 10 the payments were really to benefit the Herrera Committee and thus misreported. However, it is
 11 speculative to take the connection between the Texas Strategy Group and the Herrera Committee
 12 to conclude that any payments to the Texas Strategy Group by the Joint Fundraising Committee
 13 were to benefit the Herrera Committee. To the contrary, the Response explains that “no funds
 14 allocated or attributable to the leadership PAC . . . were used to pay for any expenses of the
 15 principal campaign committee [].”³⁶

16 Accordingly, the Commission dismisses the allegations that the Joint Fundraising
 17 Committee violated 52 U.S.C. § 30102(e)(3) and 11 C.F.R. § 102.17(b)(1) by using Joint
 18 Fundraising Committee funds to pay for campaign-related activities on behalf of the Herrera
 19 Committee; that the Leadership PAC violated 52 U.S.C. § 30116(a)(1)(A) and 11 C.F.R.
 20 § 110.1(b) by making excessive contributions through the Joint Fundraising Committee, and that
 21 the Leadership PAC violated § 52 U.S.C. § 30104(b)(5) and 11 C.F.R. § 104.3(b)(3)(i), by

³⁵ See Compl. at 1-2.

³⁶ Resp. at 3.

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 10 of 12

1 failing to report the expenditures; and that Herrera and the Herrera Committee violated 52 U.S.C.
2 § 30116(f) and 11 C.F.R. § 110.9 by knowingly accepting the in-kind contribution and that the
3 Herrera Committee violated 52 U.S.C. § 30104(b)(6) and 11 C.F.R. § 104.3(b)(4) by failing to
4 report the in-kind contributions.

B. The Commission Dismisses the Allegation that the Joint Fundraising Committee violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. § 104.3(b)(4) by Misreporting the Purpose of Disbursements

9 The Act and Commission regulations require political committees to report the name and
10 address of each person to whom they make expenditures or other disbursements aggregating
11 more than \$200 per calendar year, as well as the date, amount, and purpose of such
12 disbursements.³⁷ Commission regulations define “purpose” as a “brief statement or description
13 of why the disbursement was made.”³⁸ “The ‘purpose of disbursement’ entry, when considered
14 along with the identity of the disbursement recipient, must be sufficiently specific to make the
15 purpose of the disbursement clear.”³⁹ The Commission has determined that the description of
16 purpose should be sufficient to allow “a person not associated with the committee [to] easily
17 discern why the disbursement was made when reading the name of the recipient and the
18 purpose.”⁴⁰ Examples of sufficient statements of purpose include, but are not limited to, dinner

³⁷ 52 U.S.C. § 30104(b)(5), (6); 11 C.F.R. § 104.3(b)(3)(i), (b)(4)(i); *see also FEC-Purposes of Disbursements*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/purposes-disbursements/> (last visited Oct. 17, 2024) (providing a non-exhaustive list of inadequate and adequate purposes).

38 11 C.F.R. § 104.3(b)(3)(i)(A)-(B), (b)(4)(i)(A).

³⁹ See Statement of Policy: “Purpose of Disbursement” Entries for Filings with the Commission, 72 Fed. Reg. 887 (Jan. 9, 2007) (“Purpose Statement of Policy”) (citing 11 C.F.R. §§ 104.3(b)(3)(B), (b)(4)(i)(A)).

⁴⁰ Purpose Statement of Policy, 72 Fed. Reg. at 888; *see* Factual & Legal Analysis (“F&LA”) at 11-14, MUR 7923 (Friends of David Schweikert *et al.*) (discussion of adequacy of purpose of disbursement).

MUR 8243 (Brandon Herrera)

Factual and Legal Analysis

Page 11 of 12

1 expenses, media, salary, polling, travel, party fees, phone banks, travel expenses, travel expense
2 reimbursement, and catering costs.⁴¹

3 Although committees may not simply label a disbursement as “consulting,” they may
4 specify a type of consulting service to ensure that the purpose provided in their reports is
5 considered “adequate” by the Commission, including descriptions such as “campaign
6 consulting” or “fundraising consulting.”⁴² For example, the Commission has provided guidance
7 that a description of purpose such as “Consultant-Legal” is sufficient for a disbursement to a
8 consultant; the sufficiency of the description is read in context with the name of the payee.⁴³

9 The Complaint asserts that the Joint Fundraising Committee misreported \$267,000 in payments
10 to “Texas Strategy Group” “to obfuscate the true nature of these payments,” *i.e.*, that Herrera
11 impermissibly used the Joint Fundraising Committee to pay campaign expenses for the Herrera
12 Committee.⁴⁴ As explained above, there is no factual basis to conclude that any of the Joint
13 Fundraising Committee’s payments were impermissible and thus no grounds to conclude that the
14 reported purposes were inaccurate. The only remaining question is whether the purposes of the
15 disbursements — for “Campaign Consulting,” “Media Placement,” and “Texting” — were
16 sufficiently descriptive.

17 These purposes are sufficiently descriptive because they are consistent with the
18 requirements and the Commission’s guidance on adequate purposes. “Campaign consulting” is

⁴¹ 11 C.F.R. § 104.3(b)(3)(i)(B), (b)(4)(i)(A).

⁴² *FEC-Purposes of Disbursements*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/purposes-disbursements/> (last visited Oct. 31, 2024) (noting that the lists of inadequate and adequate purposes are not exhaustive and were revised on August 21, 2018).

⁴³ Purpose Statement of Policy, 72 Fed. Reg. at 888; *see also* FEC Campaign Guide for Congressional Candidates at 103 (June 2014) (the description of purpose must be sufficiently specific such that it makes clear the reason for the disbursement when considered in conjunction with the payee’s identity).

⁴⁴ See Compl. at 2.

MUR 8243 (Brandon Herrera)
Factual and Legal Analysis
Page 12 of 12

1 specifically recognized by the Commission as an adequate purpose.⁴⁵ Moreover, “media
2 placement” and “texting” are even more specific and discernible than “media,” which is also an
3 adequate purpose.⁴⁶

4 Accordingly, the Commission dismisses the allegation that the Joint Fundraising
5 Committee violated 52 U.S.C. § 30104(b)(5) and (b)(6) and 11 C.F.R. 104.3(b)(4) by
6 misreporting the purpose of disbursements.

⁴⁵ See *FEC-Purposes of Disbursements*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/purposes-disbursements/> (last visited Oct. 31, 2024) (providing a non-exhaustive list of inadequate and adequate purposes).

⁴⁶ 11 C.F.R. § 104.3(b)(3)(i)(B); *see id.* Purpose Statement of Policy, 72 Fed. Reg. at 888.