



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

February 7, 2025

VIA ELECTRONIC MAIL

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B. Holly Schadler, Esq., Laurence Gold, Esq., and Renata Strause, Esq.
Trister, Ross, Schadler & Gold, PLLC
1666 Connecticut Ave. NW, 5th Floor
Washington, DC 20009

RE: MUR 8299
ActBlue

Dear Ms. Schadler, Mr. Gold, and Ms. Strause:

On August 14, 2024, the Federal Election Commission notified your client, ActBlue (the "Committee,") and George Gilmer 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 the Committee at that time.

Upon further review of the allegations contained in the complaint, and information supplied in response, the Commission, on January 8, 2025, voted to dismiss this matter and close the file effective February 7, 2025. The General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

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).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Wanda D. Brown

BY: Wanda D. Brown
Assistant General Counsel

Enclosure
General Counsel's Report

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**

5
6 **MUR 8299**

Respondent: ActBlue and George Gilmer in his
official capacity as treasurer

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9 **Complaint Receipt Date:** Aug. 8, 2024

10 **Response Receipt Date:** Sept. 27, 2024

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14 **Alleged Statutory/
15 Regulatory Violations:**

52 U.S.C. § 30104(b)(3)
11 C.F.R. § 104.3(a)(4)(i)

16
17 The Complaint alleges that ActBlue and George Gilmer in his official capacity as treasurer
18 (“ActBlue”), a registered, nonconnected political committee which acts as a conduit for earmarked
19 contributions,¹ charged an individual’s credit card for a \$1 contribution to Harris for President, the
20 principal campaign committee of 2024 presidential candidate Kamala Harris,² without his
21 authorization, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).³
22 The Complainant states that he authorized a recurring contribution to the same committee when it
23 was named Biden for President and was the principal campaign committee of Joseph R. Biden, Jr.⁴
24 The Complaint states that he “assumed that, just like when any other candidate pulls out of a race,
25 the auto donations would stop.”⁵

¹ ActBlue, Amended Statement of Organization at 2 (July 29, 2024), <https://docquery.fec.gov/pdf/849/202407299665755849/202407299665755849.pdf>; *see also* 11 C.F.R. § 110.6(b)(2) (conduit or intermediary defined, in pertinent part, as “any person who receives and forwards an earmarked contribution to a candidate or a candidate’s authorized committee”).

² Harris for President, Amended Statement of Organization at 2 (July 21, 2024), <https://docquery.fec.gov/pdf/297/202407219665705297/202407219665705297.pdf>.

³ Compl. at 2 (Aug. 8, 2024).

⁴ Biden for President, Amended Statement of Organization at 2 (Sept. 5, 2023), <https://docquery.fec.gov/pdf/444/202309059596987444/202309059596987444.pdf>; Compl. at 1.

⁵ Compl. at 1.

1 In Response, ActBlue asserts that the Commission should find no reason to believe that
2 ActBlue violated the Act because it followed the Complainant's instructions when it charged his
3 credit card and, in any event, it refunded the disputed contribution at the Complainant's request.⁶

4 Based on its experience and expertise, the Commission has established an Enforcement
5 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
6 assess whether particular matters warrant further administrative enforcement proceedings. These
7 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
8 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
9 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
10 potential violations and other developments in the law. This matter is rated as low priority for
11 Commission action after application of these pre-established criteria. Given that low rating, low
12 apparent dollar amount at issue, and Act Blue's remedial actions, we recommend that the
13 Commission dismiss the Complaint, consistent with the Commission's prosecutorial discretion to
14 determine the proper ordering of its priorities and use of agency resources.⁷ We also recommend
15 that the Commission close the file effective 30 days from the date the certification of this vote is
16 signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday)
17 and send the appropriate letters.

⁶ Resp. at 1-2 (Sept. 27, 2024).

⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).


MUR 8299 (ActBlue)
EPS Dismissal Report
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Lisa J. Stevenson
Acting General Counsel

December 11, 2024

Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel

Wanda D. Brown

Wanda D. Brown
Assistant General Counsel

Gordon King

Gordon King
Attorney