

September 24, 2024

VIA E-MAIL TO CELA@FEC.GOV

Federal Election Commission
Office of Complaints Examination
and Legal Administration
1050 First Street, NE
Washington, DC 20463

Attn: Wanda D. Brown, Assistant General Counsel

MUR 8313: Response of Mike McCauley, in his official capacity as Treasurer, and Duty First Nevada PAC Inc.

To Whom It May Concern:

On behalf of myself in my official capacity as Treasurer, and Duty First Nevada PAC Inc., I submit this response to the complaint in MUR 8218.

The complaint alleges that Duty First Nevada PAC Inc. (the "Committee") violated federal campaign finance law. Because the complaint offers no evidence to support a violation of federal campaign finance law, we urge the Commission to dismiss the complaint and close its file in this matter.

Facts

This Committee has been terminated for months and is no longer in operation. The Committee maintains no bank account and has no resources with which to defend itself in this matter. However, upon review, this complaint provides no legal basis that a violation of campaign finance law occurred.

The complaint alleges that the Committee provided an illegal in-kind contribution to Sam Brown for Nevada by posting material to a public online forum. The Federal Election Commission has never found that posting material to a widely-accessed public online forum creates an in-kind contribution, particularly where no evidence of coordination exists.

The complaint cites that the Committee retained a common vendor as the campaign. Nothing in the law prohibits a campaign and a Super PAC from retaining the same vendor provided that appropriate procedures are in place. The complaint makes no allegation and indeed provides no evidence of coordination, or any other violation of campaign finance law. Commission precedent makes clear that mere speculation and inference is not a sufficient basis to find reason to believe that coordination occurred.

The Commission should dismiss the complaint because it fails to present evidence that Duty First Nevada, its Treasurer, or any other party violated federal campaign finance law.

This complaint cites no evidence to support any violation of federal campaign finance law. As such, I urge the Commission to exercise its prosecutorial discretion to dismiss the Complaint as not warranting any further use of its time and resources.

Conclusion

For the reasons stated above, I respectfully request the Commission to dismiss the complaint and close the file in this MUR.

Sincerely,

A handwritten signature in black ink, appearing to be "Mike McCauley", with a stylized, flowing script.

Mike McCauley