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October 9, 2024

**BY ELECTRONIC MAIL: [CELA@FEC.GOV](mailto:CELA@FEC.GOV)**Federal Election Commission  
Office of Complaints Examination  
& Legal Administration  
Attn: Trace Keeyes, Paralegal  
1050 First Street, NE  
Washington, DC 20463**Re: MUR 8316**

Dear Mr. Keeyes:

We write on behalf of Terri Sewell for Congress and Lindsay F. Angerholzer, in her official capacity as treasurer (collectively, the “Committee”) in response to the Complaint filed with the Federal Election Commission (“FEC”) in MUR 8316. The Complaint presents no actionable violation of the Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101 *et seq.* (the “Act”), or its implementing regulations, and so should be dismissed.

### INTRODUCTION

Filed on behalf of the Committee’s opposing campaign seven weeks before the election, the Complaint identifies three minor, inadvertent clerical errors over a period spanning nearly three years:

*First*, the Complaint alleges that the Committee misreported the payee of a polling disbursement on its 2022 Post-General Report, and claims without any basis that the payment “may represent an inappropriate use of campaign funds.”<sup>1</sup> In fact, a database import error simply caused the report to show the wrong payee. The Committee has amended its report to show the correct payee.

*Second*, the Complaint alleges that the Committee reported disbursements to four corporate PACs on its 2024 Mid-Year Report, which it contends—again without any basis—to have

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

represented “multiple prohibited contributions.”<sup>2</sup> Instead, the Committee erroneously combined the database records for four vendors with their corporate PACs, thus causing the operating expenditures to the vendors to show instead as payments to the PACs. Again, the Committee has amended its report to correct the payees.

*Third*, the Complaint alleges that the Committee failed to put its disclaimer in a printed box on its website and on a billboard, and used a disclaimer reading “Paid for by Sewell for Congress” instead of “Paid for by Terri Sewell for Congress” on its website and in a social media post. However, the website disclaimer required no box, and in each communication the sponsor’s identity was completely clear, thus warranting no further action.

The Committee takes seriously its compliance with the Act. It has amended the two reports at issue, taken specific steps to ensure the accuracy of future reports, and is issuing specific written guidance about the disclaimer requirements to its staff and vendors. Still, these clerical errors do not present the sort of allegation that ordinarily warrants the exercise of the Commission’s enforcement process. The Committee respectfully submits that the Commission should dismiss the Complaint.

## DISCUSSION

### **A. The Allegations of Improper Disbursements and Prohibited Contributions Are Erroneous and Should Be Dismissed**

The Complaint alleges an “Improper Disbursement for Polling Services” and “Prohibited Contributions to Political Action Committees.”<sup>3</sup> In each case, a simple data error affected the Committee’s report, which the Committee has identified and corrected.

On the 2022 Post-General Report, a database import error caused the Committee to report American Airlines as the recipient of a \$25,000 disbursement for polling services, and not the true payee, Anzalone Liszt Grove Research, Inc., which preceded American Airlines on the alphabetical list of payees for that period.<sup>4</sup> This was a simple mistake, which the Committee has amended the report to correct.<sup>5</sup>

On the July 2024 Quarterly Report, the Committee inadvertently merged vendor and political action committee (“PAC”) records in its database, thus causing operating expenses paid to Microsoft, Google, AT&T, and Amazon to be reported as paid to these companies’ PACs instead. However, the disbursements were correctly reported on line 17, and the purposes of disbursement were correctly stated. The payments to Microsoft were all for “Campaign Software,” the payments to Google were for “Email Storage” and “Email Services,” the payments to AT&T were each for a “Campaign Internet Expense,” and the payments to Amazon

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

<sup>3</sup> *Id.*

<sup>4</sup> Terri Sewell for Congress, 2022 Post-General Report at 79 (Dec. 8, 2022), <https://docquery.fec.gov/pdf/927/202212089547794927/202212089547794927.pdf>.

<sup>5</sup> Terri Sewell for Congress, Amended 2022 Post-General Report (Oct. 9, 2024), <https://docquery.fec.gov/cgi-bin/forms/C00458976/1821778/>.

were for “Campaign Office Supplies” and “Event Supplies.”<sup>6</sup> The aggregate amount of affected disbursements was \$1,591.80, out of \$323,932.46 in total disbursements during the quarter. Again, the Committee has amended the report in question to provide the correct payees.<sup>7</sup>

The Committee engages an external firm to prepare and file its reports. The Committee is working with that firm to strengthen the review procedures for reports before filing, so that similar errors can be identified and corrected before future reports are submitted. Specifically, the Committee has instituted a process of additional, external review for draft reports, to identify and avoid similar errors before filing.

However, none of these simple clerical errors warrants Commission enforcement. The Commission has previously found that the “low proportion and amount of the disbursement that was misreported” warrants the exercise of prosecutorial discretion to dismiss, even when the disbursements included payments to the candidate, even when the respondent initially failed to correct the error despite having told the Commission that it had done so, and even when the errors were identified amidst allegations of personal use.<sup>8</sup> In another matter, the Commission dismissed a matter where a committee amended its quarterly report after an “administrative error” led to an incorrect reporting of \$84,250 worth of contributions as receipts.<sup>9</sup> This matter likewise warrants the use of prosecutorial discretion to dismiss the complaint.

## **B. The Allegations of “Improper Disclaimers” Fail to Present Any Material Omission of Information and Should Be Dismissed**

The Complaint asserts that the Committee violated 11 C.F.R. § 110.11, because the disclaimer on its website was not in a printed box and read, “Paid for by Sewell for Congress” instead of “Paid for by Terri Sewell for Congress.”<sup>10</sup> It asserts further that the disclaimer on a campaign billboard was not inside a printed box.<sup>11</sup> The Complaint asserts finally that Committee social media posts “refer to ‘Sewell for Congress,’ instead of the full committee name, ‘Terri Sewell for Congress,’” and so violated the disclaimer requirement.<sup>12</sup>

The Complaint fails to present a sufficient basis for Commission action. Its claim that the website disclaimer required a printed box is simply wrong. The Commission has unanimously

<sup>6</sup> Terri Sewell for Congress, 2024 July Quarterly Report at 197-99, 204, 208, 219, 227, 240-41, 266, 295-96, 307, 312, 313 (July 15, 2024), <https://docquery.fec.gov/pdf/211/202407159660066211/202407159660066211.pdf>.

<sup>7</sup> Terri Sewell for Congress, Amended 2024 July Quarterly Report (Oct. 9, 2024), <https://docquery.fec.gov/cgi-bin/forms/C00458976/1821892/>.

<sup>8</sup> See Factual and Legal Analysis, MUR 7876, at 8 (Lauren Boebert for Congress), [https://www.fec.gov/files/legal/murs/7876/7876\\_12.pdf](https://www.fec.gov/files/legal/murs/7876/7876_12.pdf).

<sup>9</sup> Factual and Legal Analysis, MUR 7064, at 3-5 (Patriots for America), <https://www.fec.gov/files/legal/murs/7064/17044410861.pdf>. See also Factual and Legal Analysis, MUR 7734 (Friends of Tina Ramirez), [https://www.fec.gov/files/legal/murs/7734/7734\\_07.pdf](https://www.fec.gov/files/legal/murs/7734/7734_07.pdf) (dismissing misreporting of primary contributions as general election contributions); Factual and Legal Analysis, MURs 7112 and 7115 (AJ Kern for Congress), <https://www.fec.gov/files/legal/murs/7112/18044440063.pdf> (dismissing misreporting of candidate contributions arising from technical error in recording contributions in reporting software).

<sup>10</sup> See Compl. at 2.

<sup>11</sup> *Id.* The disclaimer on the billboard was correctly stated, in white text against a colored field, in sufficient font size, beneath huge text reading “Re-elect Terri Sewell Democrat for Congress” and a giant picture of the Congresswoman. See Compl. Exhibit D.

<sup>12</sup> *Id.*

held that a committee website disclaimer need not be in a printed box, because “the term ‘printed communication’ ... does not include communications on Internet pages.”<sup>13</sup> Even when the respondent failed to include a required printed box, the Commission has found in recent enforcement actions that partial disclaimers, or other identifying information, created an “unlikeliness that the general public would have been confused as to whether the Committee paid for the communication,” and accordingly dismissed the complaint as an exercise of prosecutorial discretion.<sup>14</sup> The claim that the Committee violated the Act simply by omitting the word “Terri” from its disclaimer warrants no action for the same reason.<sup>15</sup>

Nonetheless, despite the absence of any confusion to the public about the sponsor’s identity with any of the communications, the Committee seeks strict compliance with the disclaimer requirements, not merely substantial compliance, and so is issuing written guidance to its staff and vendors about these matters.

For the foregoing reasons, the Commission should dismiss the Complaint and take no further action.

Very truly yours,



Brian G. Svoboda  
Chad B. Henry

Counsel to Respondents

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<sup>13</sup> Chairman Michael E. Toner, Vice Chairman Robert D. Lenhard, and Commissioners David M. Mason, Hans A. von Spakovsky, Steven T. Walther and Ellen L. Weintraub, Statement of Reasons, MUR 5526, at 4 (Graf for Congress), <https://www.fec.gov/files/legal/murs/current/56473.pdf>.

<sup>14</sup> See Enforcement Priority Dismissal Report, MUR 8231, at 3 (Charlie Kim in US Congress), [https://www.fec.gov/files/legal/murs/8231/8231\\_08.pdf](https://www.fec.gov/files/legal/murs/8231/8231_08.pdf).

<sup>15</sup> See, e.g., Enforcement Priority Dismissal Report, MUR 8219 (Tief Gibbs Jensen 4 Congress 2024), [https://www.fec.gov/files/legal/murs/8219/8219\\_11.pdf](https://www.fec.gov/files/legal/murs/8219/8219_11.pdf); Enforcement Priority Dismissal Report, MUR 8045 (Janice Winfrey for Congress), [https://www.fec.gov/files/legal/murs/8045/8045\\_05.pdf](https://www.fec.gov/files/legal/murs/8045/8045_05.pdf).



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# 8316

Name of Counsel: Brian G. Svoboda

Firm: Perkins Coie LLP

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Office#: (202) 434-1654 Fax#: (202) 654-9150

Mobile#: [REDACTED]

E-mail: BSvoboda@perkinscoie.com

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.

10/07/2024

Date

*Lindsay F. Angerholzer*  
(Signature Respondent/Agent/Treasurer)

Treasurer

Title

Lindsay F. Angerholzer

(Name - Please Print)

Terri Sewell for Congress and Lindsay F. Angerholzer, in

**RESPONDENT:** her official capacity as Treasurer  
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: P.O. Box 1964  
(Please Print)

Birmingham, AL 35201

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

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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.