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November 27, 2024

By Email to cela@sec.govMs. Wanda Brown
Assistant General Counsel
Complaints Examination &
Legal Administration
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463**Re: MUR 8326, ActBlue and George Gilmer in his official capacity as treasurer**

Dear Ms. Brown:

We are responding on behalf of ActBlue and its treasurer, George Gilmer, to the complaint filed with the Commission on October 9, 2024, by Citizens Defending Freedom (the “Complaint”). The Complaint presents evidence of the ordinary, small-dollar fundraising that ActBlue enables for Democratic candidates and claims that this evidence somehow “suggests” a violation of the Federal Election Campaign Act (“the Act”). However, the facts stated in the Complaint fail to allege a violation of the Act – in fact, they demonstrate ActBlue’s *compliance* with the Act. The Commission should therefore dismiss the Complaint without further action and close the file.

ActBlue is a nonconnected political committee that serves as a conduit for contributions earmarked for Democratic candidates and committees. *See* 52 U.S.C. §§ 30116(a)(8); 30102(b)(1) and (2); 11 CFR §§ 110.6 and 102.8. ActBlue receives earmarked contributions via its website, www.actblue.com, and forwards them to the designated candidates and political committees.¹ ActBlue only acts in accordance with its donors’ instructions when making campaign contributions and does not exercise discretion in transferring contributions to a donor’s designated campaign.

The Complaint alleges that there is a violation of the Act because ActBlue forwarded earmarked

¹ The Commission has addressed ActBlue’s operations in numerous advisory opinions. *See, e.g.*, Advisory Op. 2014-13 (ActBlue’s forwarding of contributions earmarked to multiple candidates did not entail exercise of “direction or control” by ActBlue); Advisory Op. 2006-30 (ActBlue) (ActBlue may act as a conduit for contributions earmarked for prospective candidates’ committees); *see also* Advisory Op. 2003-23 (We Lead) (nonconnected committees may solicit earmarked contributions from the general public and forward the contribution to a federal candidate).

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contributions to Maxwell Alejandro Frost for Congress from individuals in multiple states and because the same individuals made similar donations to a nonfederal candidate shortly before the close of a reporting period. The reason that Rep. Frost and Tennessee state representative Justin Jones received these similar contributions is because they were made through a feature on ActBlue's platform – referred to as the “Split It!” box in the Commission's Advisory Opinion addressing it – that allows contributors to split their funds among multiple candidates. Advisory Op. 2014-13 (ActBlue). The transactions cited in the Complaint do not in any way “suggest” a violation of the Act; rather, they are the publicly-disclosed result of ordinary fundraising activity conducted in compliance with the Act and the Commission's interpretations of it.

The Complaint also alleges that, because the contributions listed in Exhibit 1 are under the \$200 itemization threshold, they are evidence of an attempt to “disguise larger contributions.” Complaint at 3. But this illogical conclusion is based on evidence demonstrating ActBlue's *compliance* with the Act. As a conduit, ActBlue is required to itemize each earmarked contribution, regardless of the amount. 52 U.S.C. 30116(c); 11 CFR § 110.6(c). Exhibit 1 merely shows that ActBlue complied with that lower itemization threshold.

As explained above, the facts alleged in the Complaint do not support a claim that ActBlue violated the Act. ActBlue operates in accordance with the Act, maintains internal practices to ensure fraud prevention and compliance with the law and – as the Complaint itself demonstrates – complies with the Act's reporting requirements. For these reasons, the Commission should find no reason to believe that ActBlue violated the Act and dismiss this Complaint.

Thank you for your consideration.

Sincerely,



B. Holly Schadler
Renata Strause
Counsel for Respondent
ActBlue and George Gilmer, as Treasurer

cc: Aaron Ting
Associate General Counsel, ActBlue