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December 6, 2024

By Email to cela@fec.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 8333, 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 21, 2024, by Mark J. Block and Citizens Defending Freedom (the “Complaint”). The Complaint asserts that by processing multiple contributions from a contributor named Bernard L. Cain, Jr., ActBlue permitted Mr. Block’s alias name (Bernie Cain) to be used to effect contributions he did not authorize or consent to. And the Complaint goes on to claim with no evidence that ActBlue has failed to implement proper safeguards with respect to processing these contributions. The Complaint fails to allege facts to support these claims, or any violation of the Act, and the Commission should therefore dismiss this Complaint.

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

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

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with its donors' instructions when making campaign contributions and does not exercise discretion in transferring contributions to a donor's designated campaign.

Mr. Block readily acknowledges that his name, credit card and address were not used to make contributions on ActBlue's platform. Rather, the Complaint's only assertion is that an email address (caincos@gmail.com) that Mr. Block apparently uses in conjunction with his alias "Bernie Cain" was associated with contributions made by someone else. The Complaint explains that Mr. Block has no connection to the credit card used to make the contributions and, through Mr. Block's own investigation, admits that the address associated with the contributions was a mailing address for Bernard Cain, a principal for Cain Companies Construction. As the Complaint itself makes clear, another person – *whose actual name is Bernard Cain* – made political donations to the candidates of his choice using the ActBlue platform and, when filling out his personal details, provided his correct name, his correct billing address, and his personal credit card information. Mr. Cain apparently provided the email address that Mr. Block claims to use along with his alias "Bernie Cain," and so Mr. Block received emails from ActBlue regarding the contributions and filed the Complaint *on that basis alone*. These allegations do not establish that ActBlue violated the Act by transferring earmarked contributions properly made by Mr. Cain.

The Complaint also claims that the contributions were structured to remain "under the \$200 reporting threshold" and that this may somehow be evidence of ActBlue's intention to make unauthorized contributions in Mr. Block's name. This is neither legally nor factually accurate. 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). ActBlue complied with the lower itemization threshold and properly reported Mr. Cain's contributions. Again, these allegations do not support a violation of the Act.

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 including all reporting requirements under the Act. For these reasons, the Commission should find no reason to believe that ActBlue violated the Act and dismiss this Complaint.

Sincerely,



B. Holly Schadler

Renata Strause

*Counsel for Respondent ActBlue
and George Gilmer, as Treasurer*

cc: Aaron Ting, Interim General Counsel for ActBlue