



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Elizabeth Jones, Treasurer
Hillary Victory Fund
P.O. Box 5256
New York, NY 10185-5256

NOV 29 2016

RE: MUR 7061

Dear Ms. Jones:

On August 12, 2016, the Federal Election Commission notified Hillary Victory Fund and you in your official capacity as treasurer of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). On November 17, 2016, the Commission found, on the basis of the information in the complaint, that there is no reason to believe that Hillary Victory Fund and you in your official capacity as treasurer violated the Act or Commission regulations. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Christopher L. Edwards, the attorney assigned to this matter, at (202) 694-1568.

Sincerely,

A handwritten signature in cursive script that reads "Mark Allen".

Mark Allen
Assistant General Counsel

Enclosure:
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Hillary Victory Fund MUR 7061
Elizabeth Jones in her official capacity as treasurer
Hillary for America
Jose Villerral in his official capacity as treasurer

I. INTRODUCTION

The Complaint alleges that a "Hillary Clinton fundraiser" held on April 15, 2016, raised contributions in excess of the applicable limits.¹ The available information does not indicate that any of the Respondents violated the Federal Election Campaign Act of 1971, as amended (the "Act"), because Hillary Victory Fund ("HVF") was able to solicit the fundraiser's maximum donation of \$353,400 per person.

II. FACTUAL AND LEGAL ANALYSIS

HVF, a joint fundraising committee, held the described fundraiser in San Francisco, California.² HVF's participants included Hillary for America ("HFA"), Hillary Clinton's principal campaign committee for the 2016 presidential election, the Democratic National Committee ("DNC"), and 32 state Democratic Party committees.³ According to HVF's website, it distributes its contributions using the following formula:

- 1) The first \$2,700/\$5,000 of each donation from an individual/PAC is allocated to HFA;

¹ See Compl. at 1 (May 9, 2016).

² See Hillary for America Resp. ("Resp.") at 1.

³ FEC Form 1, Statement of Organization, Hillary Victory Fund, (amended Nov. 2, 2015). This statement of organization was amended on July 1, 2016, to show that 38 state committees are now participating in HVF. See FEC Form 1, Statement of Organization, Hillary Victory Fund (amended July 1, 2016).

- 1 2) The next \$33,400/\$15,000 of each donation from an
2 individual/PAC is allocated to the DNC;⁴
3
4 3) Additional amounts are divided equally among the participating
5 Democratic state party committees, with a maximum contribution
6 of \$10,000/\$5,000 per state party.⁵
7

8 The Complaint alleges that the fundraiser accepted \$353,000 from individuals in excess
9 of the contribution limits at 11 C.F.R. § 110.3(a) because the state party participants were
10 affiliated and subject to a single \$10,000 contribution limit.⁶ Respondents maintain that the
11 participating state party committees are not affiliated and do not share a single \$10,000
12 contribution limit.⁷ The Commission agrees.

13 The Act imposes a \$10,000 limit on a person's contributions to a state party committee in
14 any calendar year: "[n]o person shall make contributions . . . to a *political committee* established
15 and maintained by a State committee of a political party in any calendar year which, in the
16 aggregate, exceed \$10,000."⁸ This language indicates that the \$10,000 limit applies to
17 contributions made to each state party committee; it does not apply the \$10,000 limit, in the
18 aggregate, to all of the state party committees of a political party. Further, the regulations that
19 apply to joint fundraising committees do not restrict an individual's ability to contribute up to the
20 limit to multiple participating state party committees.⁹

⁴ If a donation was made before the relevant primary election, then the second \$2,700/\$5,000 will be allocated to HFA's general election campaign fund, followed by the allocation set forth in parts 2 and 3. See <https://www.hillaryclinton.com/donate/go/> (last visited Nov. 1, 2016).

⁵ See <https://www.hillaryclinton.com/donate/go/> (last visited Nov. 1, 2016).

⁶ Compl. at 1.

⁷ See Resp. at 1.

⁸ 52 U.S.C. § 30116(a)(1)(D) (emphasis added); see also 11 C.F.R. § 110.1(c)(5).

⁹ See 11 C.F.R. § 102.17(c)(5) ("Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2."). See also Advisory Op. 2004-12 (Democrats for the West) (advising that contributors could

1 The Complainant relies on 11 C.F.R. § 110.3(a) and (b), which govern the contribution
2 limits for affiliated committees and political party committees, respectively, but that position is
3 not supported by those provisions.¹⁰ While subpart (a) applies to most committees and
4 membership organizations, it explicitly excludes political party committees.¹¹ Subpart (b)
5 affiliates state party committees with their subordinate committees and clarifies that national and
6 state committees are not affiliated.¹² Neither subpart (b) nor any other provision of the
7 Commission’s regulations affiliates state party committees from different states.

8 Thus, the Complainant’s allegations are not supported by the applicable law. The
9 Commission therefore finds no reason to believe that the Respondents violated the Act or
10 Commission regulations as a result of the activities described in the Complaint.

contribute up to \$10,000 to “one or more” of nine state party committees that were each affiliated with a common committee).

¹⁰ Compl. at 1.

¹¹ See 11 C.F.R. § 110.3(a)(2)(iv).

¹² See 11 C.F.R. § 110.3(b).