

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
AMERICA FIRST LEGAL FOUNDATION,)	
)	
Plaintiff,)	Civ. No. 24-517 (JDB)
)	
v.)	
)	
FEDERAL ELECTION COMMISSION,)	ANSWER
)	
Defendant.)	
_____)	

DEFENDANT FEDERAL ELECTION COMMISSION’S ANSWER

Defendant Federal Election Commission (“FEC” or “Commission”) submits this answer to the Complaint for Declaratory and Injunctive Relief (the “Complaint”) filed by plaintiff America First Legal Foundation. Any allegation not specifically responded to below is DENIED.

I. INTRODUCTION¹

1. This paragraph contains plaintiff’s characterizations of, quotations from, and references to publicly available information published by the House of Representatives Judiciary Committee, which speaks for itself, and so no response is required.

2. This paragraph contains plaintiff’s characterizations of, quotations from, and references to publicly available information published by the New York Post and the Washington Examiner, which speaks for itself, and so no response is required.

¹ The FEC has included the headings from the Complaint for the sole purpose of assisting in the reading of this answer and does not admit the accuracy of those headings.

3. This paragraph contains plaintiff’s legal arguments and conclusions, and so no response is required.

4. This paragraph describes allegations in plaintiff’s administrative complaint, (the “Administrative Complaint”), which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that plaintiff filed an Administrative Complaint on October 23, 2023.

5. ADMIT that the Administrative Complaint was filed 125 days before plaintiff’s Complaint was filed. DENY that the Commission has failed to act in a timely manner in its handling of plaintiff’s Administrative Complaint.

6. This paragraph includes plaintiff’s characterization of, quotations from, and reference to the Federal Election Campaign Act of 1971 (“FECA”), 52 U.S.C. §§ 30101-30146, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that FECA contains the quoted language, except that plaintiff’s excerpt omits a comma between “contrary to law” and “and may direct.”

7. This paragraph summarizes plaintiff’s Complaint and characterizes and references the Administrative Complaint. The allegations of the Complaint and Administrative Complaint speak for themselves, and so no response is required. To the extent a response is required, ADMIT that plaintiff’s Complaint purports to assert a claim under FECA and DENY that the Commission has failed to act in a timely manner in its handling of plaintiff’s Administrative Complaint.

II. THE PARTIES

8. The Commission is without knowledge or information sufficient to admit or deny plaintiff’s characterization of plaintiff’s work in this paragraph.

9. The Commission is without knowledge or information sufficient to admit or deny plaintiff's characterization of plaintiff's work or harm it purportedly suffers as alleged in this paragraph. This paragraph further contains plaintiff's references to a judicial opinion and FECA, which speaks for themselves, and so no response is required. To the extent this paragraph contains plaintiff's legal arguments and legal conclusions, no response is required.

10. The Commission is without knowledge or information sufficient to admit or deny plaintiff's characterization of plaintiff's work in the first sentence of this paragraph. The second sentence of this paragraph contains plaintiff's opinion regarding the purpose and proper administration of FECA, to which no response is required.

11. This paragraph contains plaintiff's legal argument and legal conclusions, and so no response is required. This paragraph further contains plaintiff's characterizations of and references to judicial opinions, which speak for themselves, and so no response is required. To the extent a further response is required, DENY.

12. This paragraph contains plaintiff's legal arguments and legal conclusions, and so no response is required. This paragraph further contains plaintiff's references to and characterizations of FECA, which speaks for itself, and so no response is required. To the extent a response is required, DENY that the Commission has failed to act in a timely manner in its handling of plaintiff's Administrative Complaint, and DENY that the Commission has harmed plaintiff.

13. This paragraph contains plaintiff's references to and characterizations of FECA, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT.

III. JURISDICTION AND VENUE

14. This paragraph contains plaintiff's characterizations of and references to statutory provisions, as well as plaintiff's legal arguments and legal conclusions, both of which speak for themselves, and so no response is required. To the extent that a further response is required, DENY that this Court has subject-matter jurisdiction.

15. ADMIT.

16. ADMIT that 28 U.S.C. §§ 2201 and 2202, respectively, provide authority for declaratory and injunctive relief. To the extent a further response is required, DENY.

17. This paragraph contains plaintiff's characterizations and references to a statutory provision, as well as plaintiff's legal arguments and legal conclusions, both of which speak for themselves, and so no response is required. To the extent that a further response is required, DENY that this Court has subject-matter jurisdiction.

IV. BACKGROUND

18. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information published by The Hill, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

19. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information published by NBC News, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

20. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information published by CNN, which speaks for itself, and so no

response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

21. This paragraph contains plaintiff's characterizations of and references to publicly available information published by Fox News, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

22. This paragraph contains quotations from and references to publicly available information published by CNN, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

23. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information on X (formerly known as Twitter), which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

24. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information published by Politico, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

25. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information published by Politico, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

26. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information published by Politico, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

27. This paragraph contains plaintiff's characterizations of and references to publicly available information on X (formerly known as Twitter), which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

28. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

29. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

30. This paragraph contains plaintiff's characterizations of and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

31. This paragraph contains plaintiff's characterizations of and references to publicly available information, which speaks for itself, and so no response is required. Further, the

Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

32. This paragraph contains plaintiff's characterizations of and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

33. This paragraph contains plaintiff's characterizations of and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

34. This paragraph contains plaintiff's characterizations of and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

35. This paragraph contains plaintiff's characterizations of and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

36. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

37. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

38. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information published by Politico, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying reporting.

39. This paragraph contains plaintiff's characterizations of and references to publicly available information, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT.

40. This paragraph contains plaintiff's characterizations of, quotations from, and references to publicly available information, which speaks for itself, and so no response is required. Further, the Commission is without knowledge or information sufficient to admit or deny the underlying factual assertions.

41. This paragraph summarizes allegations set forth in the Administrative Complaint, which speaks for itself, and so no response is required. This paragraph further contains plaintiff's legal arguments and legal conclusions, and so no response is required.

42. The Commission is without knowledge or information sufficient to admit or deny plaintiff's characterizations of Politico's purported business practices in the first sentence of this paragraph. This paragraph describes plaintiff's allegations set forth in the Administrative Complaint, which speak for themselves, and so no response is required. The Commission is also without knowledge or information sufficient to admit or deny the underlying factual assertions.

This paragraph further contains plaintiff's legal arguments and conclusions, and so no response is required. To the extent a further response is required, the allegations are DENIED.

V. ADMINISTRATIVE PROCEEDINGS

43. ADMIT that plaintiff filed the Administrative Complaint on October 23, 2023. The remaining allegations of this paragraph summarize plaintiff's Administrative Complaint, which speaks for itself, and so no response is required.

44. ADMIT.

45. ADMIT that the Administrative Complaint was filed 125 days before plaintiff's Complaint was filed. DENY that the Commission has failed to act in a timely manner in its handling of plaintiff's Administrative Complaint.

VI. CAUSE OF ACTION

FECA, 52 U.S.C. § 30109(8)(A)

46. This paragraph repeats paragraphs 1-45 of the Complaint. The Commission repeats and realleges its responses to paragraphs 1-45 as if set forth fully herein.

47. This paragraph contains plaintiff's legal arguments and legal conclusions, and so no response is needed. To the extent a response is needed, DENY that the Commission has failed to act in a timely manner in its handling of plaintiff's Administrative Complaint and DENY as to the remainder of the paragraph.

RELIEF REQUESTED

With regard to the Relief Requested section of the Complaint, DENY that the Commission has failed to act in a timely manner in its handling of plaintiff's Administrative Complaint; DENY that the plaintiff is entitled to the relief requested or any other relief; and DENY as to the remainder of the allegations.

Respectfully submitted,

Lisa J. Stevenson
Acting General Counsel
lstevenson@fec.gov

Christopher H. Bell
Acting Assistant General Counsel
chbell@fec.gov

/s/ Sophia H. Golvach
Sophia H. Golvach
Attorney
sgolvach@fec.gov

COUNSEL FOR DEFENDANT
FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463
(202) 694-1650

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