

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

_____)	
ANNA PAULINA LUNA FOR CONGRESS,)	
)	
Plaintiff,)	Civ. No. 21-1213 (CJN)
)	
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 of plaintiff Anna Paulina Luna for Congress. Any allegation not specifically responded to below is DENIED.

1. This paragraph characterizes the claims in plaintiff’s complaint, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that plaintiff’s complaint purports to assert a claim under 52 U.S.C. § 30109(a)(8)(A).

2. This paragraph characterizes the claims in plaintiff’s complaint and quotes the Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (“FECA”), which both speak for themselves, and so no response is required. To the extent a response is required, ADMIT that the statute contains the quoted text, and that plaintiff has purported to state a claim for injunctive and declaratory relief.

3. This paragraph contains conclusions of law, to which no response is required.

4. ADMIT that plaintiff filed an administrative complaint with the FEC on October 26, 2020. DENY that the administrative complaint was filed on October 22, 2020. The

remainder of this paragraph describes allegations in plaintiff's administrative complaint, which speaks for itself, and so no response is required.

5. This paragraph describes allegations in plaintiff's administrative complaint, which speaks for itself, and so no response is required.

6. This paragraph contains plaintiff's characterizations of FECA and 52 U.S.C. § 30109(a)(8)(A), which speak for themselves, and so no response is required.

7. ADMIT that more than six months have passed since plaintiff filed its administrative complaint. DENY that the FEC has failed to act in a timely manner in its handling of plaintiff's administrative complaint.

8. The Commission is without knowledge or information sufficient to admit or deny allegations regarding corporations in this paragraph. This paragraph also contains plaintiff's characterizations of FECA and allegations in plaintiff's administrative complaint, which speak for themselves, and so no response is required. To the extent this paragraph alleges that the FEC's handling of plaintiff's administrative complaint was contrary to FECA, or that the FEC has otherwise acted contrary to law, such allegations are DENIED.

9. DENY the first sentence in this paragraph. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

10. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

11. This paragraph contains plaintiff's characterizations of information from a publicly available Internet web page and from plaintiff's administrative complaint, which speak for themselves, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

12. This paragraph contains plaintiff's characterizations of information from publicly available Internet web pages and from plaintiff's administrative complaint, which speak for themselves, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

13. This paragraph contains plaintiff's characterizations of information from publicly available Internet web pages and from plaintiff's administrative complaint, which speak for themselves, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

14. DENY.

15. ADMIT that FECA's judicial review provision, 52 U.S.C. § 30109(a)(8), provides subject matter jurisdiction, that 28 U.S.C. § 1331 provides federal question jurisdiction in the district court, and that the Court has personal jurisdiction over the Commission. DENY the remainder of this paragraph.

16. ADMIT.

17. ADMIT that Anna Paulina Luna was a Republican congressional candidate in Florida's 13th Congressional District in the 2020 general election, that Anna Paulina Luna for Congress is her authorized committee, and that Anna Paulina Luna for Congress filed the administrative complaint and is the plaintiff in this matter. DENY that the administrative complaint was filed on October 22, 2020. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

18. ADMIT the first sentence of this paragraph. With regard to the second sentence, ADMIT that Anna Paulina Luna has designated Anna Paulina Luna for Congress as her authorized committee for the 2022 election.

19. ADMIT.

20. This paragraph characterizes FECA and FEC regulations, which speak for themselves, and so no response is required. To the extent that a response is required, DENY that plaintiff's characterizations of how the FEC has interpreted the referenced citations are accurate.

21. This paragraph characterizes an FEC regulation, which speaks for itself, and so no response is required.

22. This paragraph quotes an FEC regulation, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that the regulation contains the quoted text.

23. ADMIT that Twitter is a corporation that offers a web-based social media platform allowing users to post "tweets." The remainder of this paragraph contains plaintiff's characterizations of information from a publicly available Internet web page, which speaks for itself, and so no response is required. To the extent that a further response is required, the Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

24. ADMIT that Twitter applies blue marks to certain accounts. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

25. This paragraph contains plaintiff's characterizations of information from a publicly available Internet web page, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

26. ADMIT.

27. This paragraph contains plaintiff's characterizations of information from a publicly available article, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

28. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

29. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

30. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

31. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

32. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response

is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

33. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

34. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

35. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

36. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

37. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

38. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

39. This paragraph contains plaintiff's characterizations of the administrative complaint, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

40. This paragraph contains a characterization of and purports to contain a quote from a publicly available Internet web page, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

41. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

42. This paragraph contains plaintiff's characterizations of information from a publicly available news article, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

43. This paragraph contains plaintiff's characterizations of information from a publicly available Internet web page, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

44. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

45. This paragraph contains plaintiff's characterizations of information from a publicly Internet web page, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

46. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

47. This paragraph contains plaintiff's characterizations of information from a publicly Internet web page, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

48. This paragraph contains plaintiff's characterizations of information from a publicly available news article, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

49. This paragraph contains plaintiff's characterizations of information from a publicly available news article, which speaks for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

50. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

51. ADMIT that plaintiff filed an administrative complaint with the FEC against Twitter on October 26, 2020, alleging a violation of 52 U.S.C. § 30118(a). DENY that the administrative complaint was filed on October 22, 2020. The remainder of this paragraph describes allegations contained in plaintiff's administrative complaint, which speaks for itself, and so no response is required.

52. This paragraph describes allegations contained in plaintiff's administrative complaint, which speaks for itself, and so no response is required.

53. This paragraph describes allegations contained in plaintiff's administrative complaint, which speaks for itself, and so no response is required.

54. This paragraph characterizes a document attached to plaintiff's complaint, which speaks for itself, and so no response is required.

55. ADMIT that plaintiff's administrative complaint was filed on October 26, 2020. DENY that it was filed on October 22, 2020. DENY that the FEC has failed to act in a timely manner in its handling of plaintiff's administrative complaint.

56. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

57. This paragraph contains plaintiff's characterizations of information from a publicly Internet web page, which speak for itself, and so no response is required. To the extent that a response is required, the Commission is without knowledge or information sufficient to admit or deny this paragraph.

58. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

59. ADMIT.

60. DENY the first sentence of this paragraph and that plaintiff is entitled to an Order requiring the FEC to act in this matter. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

61. This paragraph re-alleges and incorporates by reference the allegations contained in paragraphs 1-60 of plaintiff's complaint, and the Commission therefore incorporates by reference its responses to those paragraphs.

62. This paragraph quotes FECA, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that the statute contains the quoted text, but DENY that the text supports the proposition for which the paragraph uses it. The 120-day period specified in 52 U.S.C. § 30109(a)(8)(A) is a jurisdictional threshold before which suit may not be brought, not a timetable within which the Commission must resolve an administrative complaint or take any specific action. *See FEC v. Rose*, 806 F.2d 1081, 1092 (D.C. Cir. 1986).

63. This paragraph quotes FECA, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that the statute contains the quoted text. DENY that the FEC acted contrary to law and DENY that plaintiff is entitled to relief.

With regard to the Requested Relief section of the complaint, DENY that plaintiff is entitled to the relief requested or to any other relief.

Respectfully submitted,

Lisa J. Stevenson (D.C. Bar No. 457628)
Acting General Counsel
lstevenson@fec.gov

Harry J. Summers
Assistant General Counsel
hsummers@fec.gov

Kevin Deeley
Associate General Counsel
kdeeley@fec.gov

/s/ Shaina Ward
Shaina Ward (D.C. Bar No. 1002801)
Attorney
sward@fec.gov

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

July 9, 2021