

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

)	
CAMPAIGN LEGAL CENTER,)	
)	
Plaintiff,)	Civ. No. 21-1376 (JEB)
)	
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 Campaign Legal Center. Any allegation not specifically responded to below is DENIED.

1. This paragraph characterizes the claims in plaintiff's complaint, 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 contains conclusions of law, to which no response is required. To the extent the paragraph relies on unspecified “public statements,” the Commission is without knowledge or information sufficient to admit or deny this paragraph. ADMIT that Big Tent Project reported making independent expenditures opposing candidate Bernie Sanders in 2020 in its campaign finance disclosure filings with the FEC.

3. ADMIT that plaintiff filed an administrative complaint with the FEC on May 7, 2020. The remainder of this paragraph describes allegations in plaintiff's administrative complaint, which speaks for itself, and so no response is required.

4. This paragraph contains plaintiff's characterizations of the Federal Election Campaign Act ("FECA") and the statutory provisions at 52 U.S.C. § 30109(a)(8)(C), which speak for themselves, and so no response is required.

5. ADMIT that more than 375 days have passed since plaintiff filed its administrative complaint. DENY that the FEC has acted unlawfully in its handling of the administrative complaint. The second sentence of this paragraph contains plaintiff's characterization of its own litigation complaint, to which no response is required. To the extent this paragraph requests judicial relief, that relief should be denied.

6. ADMIT.

7. ADMIT.

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

9. ADMIT that plaintiff has filed administrative complaints and participated in rulemaking and advisory opinion proceedings before the FEC. 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. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

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

13. ADMIT.

14. This paragraph and its accompanying footnote quote FECA, which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that FECA contains the quoted text.

15. This paragraph purports to describe the legal requirements for determining whether a group is a political committee based on Supreme Court judicial opinions, which are legal conclusions, and so no response is required. To the extent a response is required ADMIT that the Supreme Court adopted a “major purpose” requirement for certain organizations but DENY that this paragraph sets forth a complete description of that analysis.

16. This paragraph quotes the FEC Political Committee Status Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5597 (Feb. 7, 2007), which speaks for itself, and so no response is required. To the extent a response is required, ADMIT that the quoted language appears in the cited Explanation and Justification, but DENY that this paragraph sets forth the complete analysis.

17. This paragraph contains plaintiff’s characterizations of judicial opinions and advisory opinions, which speak for themselves, and so no response is required.

18. This paragraph contains plaintiff’s characterizations of applicable law, to which no response is required.

19. This paragraph and its accompanying footnote contain plaintiff’s descriptions of certain provisions of FECA and a Commission advisory opinion, which speak for themselves, and so no response is required. To the extent a response is required, ADMIT that FECA and FEC regulations require groups meeting the definition of “political committee” to file a statement of organization, file periodic reports with the FEC, and meet other organizational and recordkeeping requirements.

20. This paragraph contains plaintiff's descriptions of certain provisions of FECA, which speak for themselves, and so no response is required. This paragraph also contains plaintiff's characterizations of judicial opinions, which speak for themselves, and so no response is required. To the extent a response is required, ADMIT that the case quotations in this paragraph are accurate.

21. This paragraph contains plaintiff's descriptions of certain provisions of FECA, which speak for themselves, and so no response is required. To the extent a response is required, ADMIT that FECA and FEC regulations require persons other than political committees to file reports with the FEC regarding "independent expenditures" above a \$250 threshold.

22. DENY. The cited portion of 52 U.S.C. 30104(c)(1) states "[e]very person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person." The cross-referenced subsection states that a "report . . . shall disclose . . . the identification of each—person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contributions have an aggregate amount or value in excess of \$200 within the calendar year . . . or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution." 52 U.S.C. § 30104(b)(3)(A). The paragraph correctly quotes 52 U.S.C. § 30104(c)(2)(C).

23. This paragraph contains plaintiff's descriptions of certain regulations and characterizations of judicial opinions, which speak for themselves, and so no response is required. To the extent a response is required, ADMIT that the cited regulation and judicial decision contain the quoted text.

24. This paragraph describes an FEC Press Release, which speaks for itself. To the extent a response is required, DENY that the press release was titled “FEC Provides Guidance Following U.S. Supreme Court decision,” when in fact the press release described a district court decision and did not include quoted “Supreme Court” reference. ADMIT that the press release otherwise contains the text quoted in the first quotation of this paragraph, but the second quoted sentence states “donors of over \$200 who contribute for the purpose of furthering *an* independent expenditure.”

25. ADMIT that Big Tent Project Fund registered as a corporation with the Delaware Division of Corporations on February 12, 2020, that the New Hampshire Democratic presidential primary occurred on February 11, 2020, and that Bernie Sanders won the most votes in that election. The FEC is without sufficient information to admit or deny the allegations in this paragraph.

26. 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 a response is required, the FEC is without sufficient information to admit or deny the allegations in this paragraph.

27. This paragraph and its accompanying footnotes contain 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 a response is required, the FEC is without sufficient information to admit or deny the allegations in this paragraph.

28. This paragraph contains plaintiff’s characterizations of information from press “report[s]” and from plaintiff’s administrative complaint, which speak for themselves, and so no

response is required. To the extent a response is required, the FEC is without sufficient information to admit or deny the allegations in this paragraph.

29. 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 a response is required, the FEC is without sufficient information to admit or deny the allegations in this paragraph.

30. This paragraph characterizes information provided in public FEC filings, which speak for themselves, and so no response is required. To the extent a response is required, ADMIT that Big Tent Project reported making independent expenditures between February 19, 2020 and March 2, 2030, opposing candidate Bernie Sanders, for a reported a total of \$4,819,713.56 in independent expenditures. ADMIT that Big Tent Project's FEC filings did not include the names of donors who gave for political purposes or who contributed to fund the group's independent expenditures.

31. This paragraph contains plaintiff's characterizations of information from a news article and from plaintiff's administrative complaint, which speak for themselves, and so no response is required. To the extent a response is required, ADMIT that Big Tent Project last reported an independent expenditure on March 2, 2020. The FEC is without sufficient information to admit or deny the remaining allegations in this paragraph.

32. 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 a response is required, ADMIT that Big Tent Project last reported an independent expenditure on March 2, 2020. The FEC is without sufficient information to admit or deny the remaining allegations in this paragraph.

33. This paragraph contains plaintiff's characterizations of information from two news articles, 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 a response is required, the FEC is without sufficient information to admit or deny the allegations in this paragraph.

34. ADMIT that Big Tent Project reported more than \$4.8 million in independent expenditures spending opposing candidate Bernie Sanders between February 19, 2020, and March 2, 2030. The remaining allegations of this paragraph contain plaintiff's characterization of its administrative complaint and legal conclusions about Big Tent Project's "major purpose," and so no response is required.

35. This paragraph contains plaintiff's characterizations of information from publicly available news articles and from plaintiff's administrative complaint, which speak for themselves, and so no response is required. To the extent a response is required, the FEC is without sufficient information to admit or deny the allegations in this paragraph.

36. This paragraph contains plaintiff's legal conclusions, to which no response is required.

37. This paragraph contains plaintiff's legal conclusions, to which no response is required.

38. This paragraph contains plaintiff's legal conclusions, to which no response is required.

39. ADMIT that plaintiff filed an administrative complaint with the FEC on February 3, 2020. The remainder of this paragraph describe allegations in plaintiff's administrative complaint, which speaks for itself, and so no response is required.

40. This paragraph characterizes a document, which speaks for itself, and so no response is required.

41. DENY that the FEC has acted unlawfully in its handling of the administrative complaint.

42. This paragraph re-alleges and incorporates by reference the allegations contained in paragraphs 1-41 of plaintiff's complaint, and the FEC therefore incorporates by reference its responses to those paragraphs.

43. ADMIT that 52 U.S.C. § 30109(a)(8)(A) contains the quoted language. DENY the remaining allegations in this paragraph.

Plaintiff is not entitled to the relief requested in the "Requested Relief" portion of the complaint or to any other relief.

Respectfully submitted,

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July 26, 2021

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