UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

David Esrati
100 Bonner Street
Dayton, Ohio 45410
Plaintiff,

Civil Action No. 1:26-cv-01498-CJN

v.

Federal Election Commission
1050 First Street, NE
Washington, DC 20463
Defendant.

PLAINTIFF'S OPPOSITION TO DEFENDANT FEDERAL ELECTION COMMISSION'S MOTION TO DISMISS

Plaintiff David Esrati, proceeding pro se, respectfully opposes Defendant Federal Election Commission's Motion to Dismiss under Rules 12(b)(1) and 12(b)(6).

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PRELIMINARY NOTE REGARDING EXHIBITS

The FEC notes that Plaintiff referenced exhibits in the Amended Complaint but did not re-file those exhibits as attachments to the Amended Complaint. Plaintiff's Amended Complaint expressly referenced those exhibits, and the FEC's own memorandum confirms that it reviewed and addressed them. Out of caution, Plaintiff re-submits the referenced exhibits with this opposition and respectfully requests that the Court consider them.

Exhibits 1 through 3 are the same materials expressly referenced in the Amended Complaint and addressed by the FEC in its motion.

Exhibit 4 contains excerpts from the FEC's own public records comparing ActBlue reporting for two committees and supporting the conduit-reporting allegations already pleaded. Exhibit 4 does not add a new claim.

INTRODUCTION

This case is not about Plaintiff's preference for a prettier database. It is about whether the Federal Election Commission provides the contributor disclosure required by federal law.

The FEC's motion repeatedly characterizes Plaintiff's claim as dissatisfaction with the "format" or "presentation" of already-disclosed information. That is not the claim. Plaintiff alleges that the FEC's public disclosure system fails at the threshold task Congress required: allowing voters, candidates, journalists, and the public to identify contributors and understand who is financing federal elections.

FECA requires disclosure of contributors. Disclosure of contributors is not satisfied by publishing inconsistent, free-form, unverified identity records provided by candidates/filers, that leave the public to guess whether "Steve Cohen," "Stephen Cohen," "Steven Cohen," "Steven A. Cohen," and "Stephen A. Cohen" are one person, several people, or reporting errors. Nor is disclosure satisfied when conduit entities such as ActBlue and WinRed appear in public records in a way that requires the public to reconstruct the relationship among the donor, conduit, transaction, and aggregate fields.

The FEC's own motion confirms that Plaintiff's examples are real contribution records. The dispute is not whether records exist. The dispute is whether the FEC's public disclosure architecture provides meaningful contributor disclosure when the public cannot reliably identify and aggregate contributor activity.

The FEC cites forty-eight cases, twenty statutory provisions, three court rules, and four FEC regulations, but its motion does not answer one simple question: Does its system clearly tell the public who donated?

If one record says John Q. Public and another says Jon R. Pubic, the public cannot know whether those are two people, one person, or a reporting error. The FEC does not verify donor identity before publishing the records. It simply republishes whatever name, address, employer, and occupation are reported by the candidates/filers.

That is not clear disclosure. It is unverified donor data.

Without verified donor registration, a unique donor identification number, or some other reliable way to connect each donation to a real person, the reports do not answer the question the law is supposed to answer: Who gave the money?

The government requires verified identity to vote, to file in this Court, to apply for Social Security, to view bids in the System for Award Management (SAM.gov) and to register for Selective Service. The identity of someone financing a federal candidate should not be treated as less important.

Plaintiff has standing because he alleges informational injury under FECA. He is a voter, a federal candidate at the time this action was filed, and a participant in the regulated federal election system. He was deprived of information Congress required to be disclosed in a usable and meaningful way: the identity and aggregate financial influence of contributors in federal elections.

The Court should deny the motion. In the alternative, if the Court concludes that Plaintiff's pro se pleading does not identify the statutory and agency-action theories with sufficient precision, Plaintiff respectfully requests leave to amend rather than dismissal with prejudice.

BACKGROUND

Plaintiff filed this action because the FEC's disclosure system does not reliably disclose contributor identity. The Amended Complaint alleges that the FEC's public database does not reliably identify contributors, does not permit reliable aggregation by individual donor, and does not provide intelligible disclosure to the public. Am. Compl. ¶¶ 1, 3-12.

The Amended Complaint alleges that the same contributor may appear under multiple name variants, that data fields are free-form and inconsistently formatted, and that the system lacks standardized identity controls allowing the public to associate contributions with a single verified individual. Id. ¶¶ 30-37.

Plaintiff's **Exhibit 1** illustrates the problem by showing contribution records associated with a nationally recognized donor appearing under multiple variants, including "Steven Cohen," "Steven A. Cohen," "Steven A. Cohen MR," and "Stephen Cohen," with overlapping geographic and employer identifiers. Id. ¶¶ 38-43. Plaintiff expressly did not allege that every such record necessarily belongs to one person. Id. ¶ 40. That is the point: the public cannot reliably determine whether the records represent one donor, multiple donors, or reporting inconsistencies.

Put plainly, the government would not treat materially inconsistent identity records as harmless in voting. Voter identity is verified because identity ambiguity has legal consequences. The same principle should apply to campaign finance disclosure.

The FEC's motion confirms that it "individually reviewed each contribution" in **Exhibit 1** and determined that Plaintiff's list and figures "reflect actual contributions to federal campaigns and political action committees." Def.'s Mem. at 4 n.4. The FEC therefore does not dispute that

Plaintiff identified actual contribution records. The question is whether publishing fragmented identity records satisfies FECA's disclosure function.

The Amended Complaint also alleges that ActBlue and WinRed are conduits, not the true sources of contributions. Am. Compl. ¶¶ 44-52. The true source is the individual donor. Id. ¶ 45. Plaintiff alleges that the FEC's public records often require the public to trace relationships among individual donor entries, conduit or earmarked entries, transaction identifiers, and aggregate fields. Id. ¶¶ 48-52. A system that requires expert reconstruction to identify actual donors does not satisfy FECA's purpose of informing the electorate.

Plaintiff also alleges that FEC reporting is fragmented across multiple forms and timing mechanisms, including quarterly reports and 48-hour notices, requiring the public to reconstruct campaign finance activity across multiple filings and formats. Id. ¶¶ 53-57.

ARGUMENT

I. PLAINTIFF HAS ARTICLE III STANDING BECAUSE HE ALLEGES A CONCRETE INFORMATIONAL INJURY UNDER FECA.

The FEC's standing argument fails because it mischaracterizes the injury. Plaintiff is not asserting a generalized grievance that the FEC should enforce the law against "bad guys." Plaintiff is asserting an informational injury: the denial of contributor information that FECA requires to be disclosed.

The injury is not abstract. Campaign finance disclosure exists so voters, candidates, journalists, watchdogs, and the public can connect political money to political influence. If the reported donor identity is unreliable, the public cannot determine who financed a campaign, whether a public official received support from a major donor, their employees or family members, or whether later official action may reasonably be examined in light of that financial support.

Reporting does not serve FECA's transparency purpose merely because data fields are populated. If the identity data is inaccurate, unverifiable, or fragmented, the disclosure fails at the very point where it is supposed to inform the public.

The Supreme Court and D.C. Circuit have recognized informational standing where a statute requires disclosure of information and the plaintiff is denied information useful to participation in the political process. FECA is a disclosure statute. The point of campaign finance disclosure is to let voters and candidates know who is financing candidates, committees, and political activity.

Plaintiff satisfies that standard.

First, FECA requires disclosure of contributors. Specifically, 52 U.S.C. § 30104(b)(3)(A) requires reporting of the "identification" of qualifying contributors, together with the date and amount of each contribution. FECA defines an individual's "identification" as the individual's name, mailing address, occupation, and employer. 52 U.S.C. § 30101(13). The issue is whether publishing those fields without a reliable method of associating them with the person who made the contributions provides the identification Congress required. Plaintiff's Amended Complaint identifies the statutory disclosure obligation and alleges that the purpose of disclosure is to inform the electorate and promote accountability. Am. Compl. ¶¶ 22-29.

Second, Plaintiff alleges denial of contributor information. The FEC says the information is already "available." But Plaintiff does not merely seek more convenient access to information already disclosed. Plaintiff alleges that contributor identity itself is not reliably disclosed when the same apparent donor appears under multiple variants and the system lacks a reliable mechanism for identity association, aggregation, or verification.

A list of text strings is not the same thing as disclosure of contributor identity. FECA requires disclosure of contributors, not merely publication of whatever name variants committees submit.

The problem becomes obvious when applied to a person whose identity matters in this case. If official records referred to the presiding judge as "Carl J. Nichols," "Karl J. Nichols," "Carl J. Nickels," and "Carl J. Nicholls," or showed two different people named Carl J. Nichols at the same address without distinguishing Jr. from Sr., those six records would not establish whether they referred to one person, several people, or reporting errors. A searchable collection of name variations and undifferentiated duplicate names is not reliable identification. The same is true of the people financing federal elections.

Third, Plaintiff plausibly alleges that the information would help him. At the time this action was filed, Plaintiff was a federal candidate. He is also a voter. He is also a citizen journalist. Contributor identity information helps voters evaluate candidates, helps candidates evaluate opponents and respond to funding sources, and helps the public understand the sources of political influence in federal elections. **Esrati Decl. ¶¶ 2–5, 9.**

This injury is concrete and particularized. Plaintiff is not merely objecting as a citizen to government noncompliance. He is a voter and was a federal candidate subject to the same election system in which the disputed disclosure records operate. His ability to evaluate opponents, understand funding sources, and participate in the electoral process was impaired by the FEC's failure to provide reliable contributor identity information.

The contrast is stark. Federal law prohibits noncitizens from voting in federal elections. 18 U.S.C. § 611. Congress has continued to debate stricter identity and citizenship requirements through legislation such as the SAVE America Act, H.R. 7296, 119th Cong. (2026). Yet when money enters those same federal elections, the FEC accepts donor identity as unverified, free-form text. The government treats the identity of a person casting one ballot as a matter of national concern, while allowing the identity of a person financing federal candidates to resemble a masquerade ball.

II. THE FEC CANNOT DEFEAT STANDING BY CALLING UNRELIABLE IDENTITY DATA "PUBLICLY AVAILABLE."

The FEC repeatedly argues that Plaintiff lacks injury because the underlying records are public. That argument assumes its conclusion. The question is not whether the FEC published something. The question is whether the FEC disclosed the contributor information required by law.

The FEC's position would reduce disclosure to data publication. But disclosure is not the same as data publication. A record that inaccurately or ambiguously identifies the donor does not allow the public to follow political money. It creates only the appearance of transparency. If a senator votes on legislation benefiting a major donor, the public can evaluate that relationship only if the donor can first be reliably identified.

The Supreme Court has repeatedly recognized that identity accuracy, record integrity, and public confidence matter in elections. In *Crawford v. Marion County Election Board,* 553 U.S. 181 (2008), the Court upheld voter-identification requirements based on the government's interests in confirming identity, protecting election integrity, modernizing election procedures, and maintaining public confidence. *In Doe v. Reed,* 561 U.S. 186 (2010), the Court upheld disclosure of identifying information from referendum petitions, recognizing that verification and disclosure help expose fraud, duplicate entries, mistakes, and invalid records.

Plaintiff does not argue that voting law directly requires the FEC to create a donor-registration system. These cases demonstrate the simpler point that government election records are meaningful only when the identity behind each record can be determined with reasonable confidence.

FECA requires disclosure of the "identification" of individual contributors. Yet the FEC accepts and republishes unverified names, addresses, occupations, and employers without a reliable way to determine whether John Q. Public and Jon R. Pubic are different people, the same person, or a reporting error. Without reliable identity association, the FEC has disclosed data fields, but it has not necessarily identified the contributor.

If a voter registration system contained five records that may or may not identify the same person, the government would not treat that ambiguity as harmless. Identity ambiguity matters. The same principle applies to campaign finance disclosure. A public record that leaves users unable to determine whether multiple entries represent one contributor or several contributors does not provide meaningful contributor disclosure.

Plaintiff's Cohen example illustrates that point. The FEC admits that **Plaintiff's Exhibit 1** reflects actual contributions. But the public record does not provide a reliable way to determine whether the name variants identify one contributor, multiple contributors, or errors. That ambiguity is not a request for cosmetic improvement. It goes to the core of statutory disclosure.

The FEC says Plaintiff seeks only changes to the form of disclosure. But form and substance cannot be separated when the form prevents the public from identifying the disclosed person. A disclosure system that cannot reliably identify contributors is not a disclosure system at all.

III. ACTBLUE AND WINRED ARE NOT THE DONORS.

The FEC says that a contribution made through ActBlue is accompanied by another entry identifying the individual donor. That misses the point.

ActBlue and WinRed process contributions. They are not the people giving the money.

When ActBlue distributed contributions by paper check, the checks expressly instructed campaigns: “Do not list ActBlue as a donor.” ActBlue understood the distinction. The person who supplied the money was the donor. ActBlue was the conduit. **Esrati Decl. ¶ 12.**

Federal regulations make the same distinction. A conduit must report the original source of the contribution and the intended recipient. 11 C.F.R. § 110.6(c).

Plaintiff asks the Court to take judicial notice of two sets of records downloaded from the FEC’s own public Schedule A database and included in Exhibit 4. Esrati Decl. ¶ 10; Fed. R. Evid. 201.

The first set contains 64 entries from Elect Esrati V2.0 totaling $2,344.50 in which “ACTBLUE” appears in the contributor-name field. Those records classify ActBlue as an organization, place the entries on the reporting line for contributions from individuals, and state in the occupation field: “CONDUIT TOTAL LISTED IN AGG. FIELD.” Yet the memo code, explanatory memo, back-reference transaction number, conduit name, and conduit identification fields are blank. The entries do not identify or link to the individuals who supplied the money.

The second set contains ActBlue contributions reported by Knickerbocker for Congress. In those records, each named individual donor is connected to a corresponding ActBlue entry through a back-reference transaction number. The ActBlue entry is marked with memo code “X” and explains that the contribution shown above was earmarked through ActBlue. The donor’s name and the relationship between the donor and conduit can therefore be reconstructed from the paired records.

The comparison demonstrates that the FEC publishes materially different data structures for the same type of ActBlue transaction. One committee's records contain named donors, matching transaction numbers, memo codes, and explanatory text. Plaintiff's records contain unlinked ActBlue totals without those fields.

Whether that inconsistency began with campaign software, filer entry, conversion procedures, or FEC processing does not change what the public receives. The FEC accepts and publishes both structures without providing one consistent public record identifying the donor, conduit, recipient, amount, and relationship among the entries.

The problem is therefore larger than the confusing dual-entry method defended by the FEC. The FEC's own public database does not apply a consistent structure even to contributions processed through the same conduit. An ordinary voter cannot know why one ActBlue transaction is linked to its donor while another appears only as an unlinked ActBlue total.

If John Q. Public gives $100 to Candidate Y through ActBlue, the public record should say:

John Q. Public gave $100 to Candidate Y on a particular date through ActBlue.

Instead, the FEC publishes separate donor entries, conduit entries, transaction numbers, aggregate fields, and other records. It then argues that the contribution has been disclosed because a sufficiently knowledgeable person can reconstruct what happened.

Disclosure should not require reconstruction or a data pivot.

The FEC's own argument establishes that its records contain both the individual donor information and the related conduit information. It therefore has the data needed to present one understandable transaction rather than requiring the public to reconstruct the relationship among separate entries.

Plaintiff does not claim that ActBlue or WinRed lack useful transaction data. The problem is that the FEC does not turn the data it receives into one clear public record identifying the donor, the conduit, the recipient, the amount, the date, and the donor's cumulative total. The method of payment is beside the point. The public does not need to know whether a contribution arrived through ActBlue, WinRed, check, or credit card. It needs to know exactly who donated and how much.

IV. FECA REQUIRES A CROSS-INDEXED PUBLIC SYSTEM, NOT A PILE OF FORMS.

The FEC argues that quarterly reports and 48-hour notices appear separately because they are filed under different reporting requirements.

That explains how information reaches the FEC. It does not excuse what the FEC does with the information after receiving it.

Congress expressly directed the FEC to "develop a filing, coding, and cross-indexing system consistent with the purposes" of FECA. 52 U.S.C. § 30111(a)(3). Congress also required the FEC to make reports publicly available within 48 hours after receiving them and to compile and maintain a cumulative index. 52 U.S.C. § 30111(a)(4), (6).

Congress gave the FEC a direct and simple duty: develop a filing, coding, and cross-indexing system that serves the purposes of campaign-finance disclosure. A pile of separate forms is not a cross-indexed system.

A contribution does not become a different transaction because it appeared first on a 48-hour notice and later on a quarterly report. It remains money from one donor to one candidate or committee. The FEC should not publish those filings as disconnected records and require every voter, candidate, journalist, and watchdog to assemble the pieces.

Nor is there any technological reason for this delay and fragmentation. Modern fundraising, payment-processing, and customer-management systems record transactions as they occur, connect them to individual accounts, and immediately update transaction histories and cumulative totals. GoFundMe can do it. CiviCRM can do it. Banks, retailers, and ordinary businesses do it every day. **Esrati Decl. ¶ 11.**

The FEC should be capable of doing the same with the money used to finance federal elections. The statutory requirement that reports be made publicly available within 48 hours establishes an outside deadline after the FEC receives them. It does not require the FEC to withhold or fragment information that can be processed and published sooner. Once a report reaches the FEC, the contribution should be added promptly to one coherent public record showing the actual donor, recipient, date, amount, and the donor's cumulative total.

Plaintiff does not ask the Court to change the deadlines by which campaigns must submit their reports. Plaintiff asks why the FEC cannot process and cross-index the data in real time using technology that has been commonplace for decades.

Plaintiff also does not ask the Court to design the FEC's software. Congress already assigned the function. The FEC must maintain a filing, coding, and cross-indexing system consistent with the purposes of public disclosure. The particular technology is the FEC's responsibility.

Plaintiff's own filing experience illustrates how far the FEC's system has fallen behind ordinary data practices. Rather than accepting a standard CSV file, the FEC's process required Plaintiff to use a Windows-based executable program to convert ordinary campaign data into a specialized filing format that cannot readily be read or checked by an ordinary user. That burden is not a separate claim in this case. It is evidence of an agency defending an arcane process instead of performing the simple public function Congress assigned to it: clearly disclose who gave the money, who received it, and how much was given. **Esrati Decl. ¶ 13**.

The required result is not complicated. The public should be able to determine:

- Exactly who gave the money?
- Who received it?
- How much was given?
- When was it given?
- How much has that person given in total?

If the FEC cannot reliably answer those questions from the information it already possesses, then it has not created the disclosure system Congress required.

The FEC's separate forms may satisfy its procedures for receiving reports. They do not satisfy its duty to turn those reports into a coherent, current, and cross-indexed public record. The federal agency responsible for tracking the money used to influence elections should not operate a system less capable than the fundraising platforms and ordinary businesses it regulates.

V. THIS CASE IS NOT A GENERALIZED GRIEVANCE OR A REQUEST FOR AN ADVISORY OPINION.

The FEC argues that Plaintiff seeks only an advisory opinion that its disclosure system is deficient. That is incorrect.

The FEC also argues that Plaintiff's injury is shared by the public. That does not make the injury unreal. In *FEC v. Akins,* 524 U.S. 11 (1998), the Supreme Court held that a widely shared informational injury can support standing when the missing information is concrete and connected to voting.

The FEC states that Plaintiff "is no longer a candidate for Congress," as though the end of one primary permanently ended Plaintiff's involvement in federal elections. At most, the cited election result establishes that Plaintiff is no longer competing in that particular election. It does not establish that Plaintiff's participation in federal elections has ended or that he has abandoned future candidacy.

Plaintiff filed this action on April 29, 2026, while he was a federal candidate. Standing is ordinarily determined from the facts existing when the complaint was filed. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 569 n.4 (1992).

Plaintiff has been a federal candidate in 2012, 2022, 2024, and 2026. That history is not incidental. It shows that Plaintiff's participation in federal elections and his use of FEC disclosure information are recurring, not hypothetical. Plaintiff does not give up merely because he lost the most recent election. Abraham Lincoln lost several major political contests before winning the presidency. Election defeat is not disqualification. It's experience talking.

Current candidate status is not essential to Plaintiff's claim. Every eligible citizen may become a candidate, and every registered voter already has an interest in knowing who finances federal elections. Campaign-finance disclosure cannot become meaningful only during the months when a particular person is actively campaigning.

Plaintiff remains a voter, donor, journalist, repeated federal candidate, and user of FEC disclosure information. Candidate status strengthens his injury because he was actively using the system as a candidate when this action was filed. It is not the source of the public's right to campaign-finance information. In *Akins*, the plaintiffs were voters, and the Supreme Court recognized their concrete interest in information that would help them evaluate candidates and the influence of financial support.

The information does not become less important when an election ends. Contributions remain part of the public record. Elected officials continue to vote, donors continue to seek influence, and voters continue to evaluate the relationship between political money and government action.

The missing information here is simple: Who gave the money?

Plaintiff seeks declaratory and injunctive relief because the FEC's public disclosure system cannot reliably answer that question. If the FEC cannot determine whether "John Q. Public" and "Jon R. Pubic" are two people, one person, or a reporting error, then it cannot reliably calculate how much that person gave across multiple candidates and committees.

That is not disclosure. It is a fiction with an official government seal: unverified entries presented to the public as government fact, while private organizations such as OpenSecrets are left to reconstruct and explain the political money trail the FEC was created to disclose.

This is not a request that the FEC punish unspecified wrongdoers. Plaintiff challenges the FEC's own administration of the public disclosure system. Without reliable donor identity, the public cannot determine who gave what, to whom, or in what total amount.

The fact that every voter is denied the same reliable information does not mean no voter has been injured. A right belonging to the public belongs to each member of the public. Otherwise, no one could enforce it.

VI. PLAINTIFF HAS STATED A CLAIM UNDER THE APA, OR AT MINIMUM SHOULD BE GIVEN LEAVE TO AMEND.

The Administrative Procedure Act, or APA, permits courts to review certain unlawful actions and failures to act by federal agencies. The FEC argues that Plaintiff has not identified a discrete required agency action under 5 U.S.C. § 706(1) or a final agency action under § 706(2)(A). Plaintiff respectfully disagrees.

The FEC administers FECA's public disclosure system. Contrary to the FEC's assertion that Plaintiff identifies no required agency duty, FECA expressly directs the Commission to "develop a filing, coding, and cross-indexing system consistent with the purposes" of the Act, to make received reports publicly available within 48 hours, and to compile and maintain a cumulative index. 52 U.S.C. § 30111(a)(3), (4), and (6). Plaintiff alleges that the FEC's fragmented, unverified disclosure records do not fulfill those express duties because they do not reliably connect contributions to identifiable contributors or permit accurate cumulative totals by donor.

The challenged agency conduct is not a vague objection to federal election policy. It is the FEC's ongoing administration and publication of official campaign finance disclosure records in a manner that fails to provide the contributor information FECA requires.

To the extent Count I is read as a challenge to failure to enforce against specific persons, Plaintiff acknowledges that FECA contains an administrative complaint process. But Plaintiff's core claim is broader and more direct: the FEC's own disclosure architecture fails to provide accurate, meaningful contributor disclosure.

The FEC's publication and administration of its public disclosure database are agency action. The public database is the official mechanism by which the FEC provides campaign finance disclosure to voters, candidates, journalists, and the public. The FEC's maintenance of that system is not informal commentary or a tentative position. It is the system the FEC uses to do the disclosure job Congress assigned it.

But publishing whatever candidates and committees type into a form is not verification. It is transcription, more like a national game of telephone in which the final version is stamped "official" without anyone checking whether it is true.

A database is only as reliable as the information entered into it and the controls used to validate that information. The FEC has no unified donor registration, no unique contributor identifier, and no reliable identity verification at the point the reported information enters the system. It therefore cannot reliably determine whether a reported donor name identifies a real person, a misspelling, a duplicate record, a website, or something invented by the filer.

The familiar rule of data processing is "garbage in, garbage out." Tens of millions of unverified entries do not become reliable merely because the FEC collects and publishes them. Without a dependable method of connecting each contribution to the person who made it, the resulting database cannot reliably answer the question FECA disclosure exists to answer: Who gave their hard-earned money to our politicians?

Plaintiff does not ask this Court to design the FEC's software or prescribe a specific database architecture. Plaintiff identifies the absence of any reliable contributor-identity mechanism because that absence is what causes the statutory disclosure failure.

As a matter of ordinary user-interface and data-design practice, the problem is straightforward. If a system is intended to disclose contributor identity, then the system must have some reliable way to associate reported contributions with the contributor who made them. That could be accomplished through a contributor registration number, verified donor identifier, or other identity-association mechanism that protects private information while allowing the public to determine whether multiple records refer to the same contributor.

The government routinely uses identity verification (ID.me or Login.gov) when official-record integrity matters. Litigants use authenticated filing systems. Voters must register and verify identity. Citizens registering for Selective Service are identified through official records. Yet the FEC's public campaign-finance disclosure system accepts and publishes free-form contributor identity data that may appear under multiple name variants, addresses, occupations, or employers, leaving the system unable to rule out even contributions from foreign nationals prohibited by 52 U.S.C. § 30121.

Plaintiff does not contend that FECA requires the public release of private identifying information. Plaintiff contends that FECA's requirement to disclose contributors is not satisfied when the FEC's official public system lacks any reliable mechanism for the public to identify and aggregate contributor activity with reasonable confidence.

VII. PLAINTIFF SHOULD NOT BE PENALIZED FOR A CURABLE EXHIBIT FILING ISSUE.

The FEC argues that Plaintiff referenced exhibits in the Amended Complaint but did not re-file those exhibits as attachments to that pleading. Plaintiff is proceeding pro se. Exhibits 1 through 3 were attached to the original complaint, were expressly referenced in the Amended Complaint, and were reviewed and addressed by the FEC in its motion.

Out of caution, Plaintiff re-submits the referenced exhibits with this opposition. The FEC has shown no prejudice from the exhibit issue. To the contrary, the FEC's memorandum confirms that it understood, reviewed, and responded to the exhibits.

The Court should consider the exhibits. At minimum, any defect concerning attachment of exhibits is curable and does not justify dismissal with prejudice.

CONCLUSION

The FEC's motion should be denied.

Plaintiff does not ask this Court to rewrite campaign finance law. Plaintiff asks the Court to enforce the disclosure premise Congress required and the Supreme Court has repeatedly relied upon. If federal law requires disclosure of contributors, then the FEC cannot satisfy that duty by publishing fragmented, inconsistent, free-form identity records that leave voters and candidates unable to determine who gave what.

In the alternative, if the Court concludes that Plaintiff's Amended Complaint is deficient, Plaintiff respectfully requests leave to amend rather than dismissal with prejudice.

Respectfully submitted,

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