

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

)	
CAMPAIGN LEGAL CENTER,)	
)	
Plaintiff,)	Civ. No. 24-2585 (APM)
)	
v.)	
)	
FEDERAL ELECTION COMMISSION)	ANSWER
1050 First Street NE)	
Washington, DC 20463,)	
)	
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 Campaign Legal Center (“CLC” or “Plaintiff”). Any allegation not specifically responded to below is DENIED.

I. COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF¹

1. ADMIT that Plaintiff brought this case under the Federal Election Campaign Act (“FECA” or “Act”) challenging the Commission’s dismissal of an administrative complaint, Matter Under Review (“MUR”) 8216, filed against Last Best Place PAC (“LBP PAC”). DENY that the Commission’s dismissal of MUR 8216 was contrary to law.

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.

2. This paragraph contains Plaintiff's characterizations of its administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

3. This paragraph contains Plaintiff's characterizations of its administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required. To the extent this paragraph contains plaintiffs' legal conclusions, no response is required. To the extent a response is required, the remaining allegations are DENIED.

4. This paragraph contains Plaintiff's characterizations of its administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required. To the extent this paragraph contains Plaintiff's legal conclusions, no response is required. To the extent a response is required, the remaining allegations are DENIED.

5. ADMIT that LBP PAC did not file any 48-hour reports or include independent expenditures in its 2023 year-end filing. ADMIT that LBP PAC reported that, as of December 31, 2023, it had received approximately \$2.135 million in contributions from Majority Forward, which was 100 percent of its funding to date. To the extent this paragraph contains Plaintiff's legal conclusions, no response is required. The Commission is without knowledge or information sufficient to admit or deny the remaining factual assertions of this paragraph. To the extent a response is required, the remaining allegations are DENIED.

6. This paragraph contains Plaintiff's characterizations of its administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

7. This paragraph contains Plaintiff's characterizations of the First General Counsel's Report in this matter, which speaks for itself and is the best evidence of its contents, therefore no response is required.

8. ADMIT.

9. ADMIT.

10. This paragraph contains Plaintiff's characterizations of the controlling Commissioners' Statement of Reasons ("SOR") in this matter, which speaks for itself and is the best evidence of its contents, therefore no response is required.

11. This paragraph contains Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

12. This paragraph contains Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

13. This paragraph contains Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

14. This paragraph contains Plaintiff's characterizations of the First General Counsel's Report in this matter, which speaks for itself and is the best evidence of its contents, therefore no response is required. The remaining allegations are DENIED.

15. This paragraph contains Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

16. This paragraph contains Plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

17. This paragraph describes Plaintiff's prayer for relief and requires no answer.

II. JURISDICTION AND VENUE

18. This paragraph describes Plaintiff's legal conclusion, to which no response is required.

19. This paragraph describes Plaintiff's legal conclusion, to which no response is required.

III. THE PARTIES

20. The Commission is without knowledge or information sufficient to admit or deny the factual assertions of this paragraph.

21. The Commission is without knowledge or information as to CLC's activities not involving the Commission. ADMIT the remaining allegations of this paragraph.

22. The Commission is without knowledge or information sufficient to admit or deny the factual assertions of this paragraph.

23. The Commission is without knowledge or information sufficient to admit or deny the factual assertions of this paragraph.

24. The Commission is without knowledge or information sufficient to admit or deny the factual assertions of this paragraph.

25. The Commission is without knowledge or information sufficient to admit or deny the factual assertions of this paragraph.

26. ADMIT.

IV. STATUTORY AND REGULATORY BACKGROUND

27. This paragraph contains Plaintiff's characterizations of a statute and regulation, which speaks for themselves and are the best evidence of their contents, therefore no response is required.

28. This paragraph contains Plaintiff's characterizations of a statute and regulation, which speak for themselves and are the best evidence of their contents, therefore no response is required.

29. This paragraph contains Plaintiff's characterizations of a statute and regulation, which speak for themselves and are the best evidence of their contents, therefore no response is required.

30. This paragraph contains Plaintiff's characterizations of a statute and regulations, which speak for themselves and are the best evidence of their contents, therefore no response is required. The remaining allegations of this paragraph describe Plaintiff's legal conclusions, to which no response is required.

31. This paragraph contains Plaintiff's characterizations of Supreme Court decisions, which speak for themselves and are the best evidence of their contents, therefore no response is required.

Independent Expenditures and "Express Advocacy"

32. This paragraph contains Plaintiff's characterizations of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

33. This paragraph contains Plaintiff's characterizations of a statute and regulation, which speak for themselves and are the best evidence of their contents, therefore no response is required.

34. This paragraph contains Plaintiff's characterizations of a regulation, which speaks for itself and is the best evidence of its contents, therefore no response is required.

35. This paragraph contains Plaintiff's characterizations of a regulation, which speaks for itself and is the best evidence of its contents, therefore no response is required.

36. This paragraph contains Plaintiff's characterizations of a regulation, which speaks for itself and is the best evidence of its contents, therefore no response is required.

37. This paragraph contains Plaintiff's characterizations of Commission comments published in the Federal Register, which speaks for themselves and are the best evidence of their contents, therefore no response is required.

38. This paragraph contains Plaintiff's characterizations of judicial opinions, which speak for themselves and are the best evidence of their contents. To the extent this paragraph contains Plaintiff's legal conclusions, no response is required.

39. This paragraph contains Plaintiff's legal conclusions, to which no response is required.

Governing Administrative and Judicial Process

40. This paragraph contains Plaintiff's characterizations of a statute and regulation, which speak for themselves and are the best evidence of their contents, therefore no response is required.

41. This paragraph contains Plaintiff's characterizations of a statute and Federal Register entry, which speak for themselves and are the best evidence of their contents, therefore no response is required.

42. This paragraph contains Plaintiff's characterizations of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

V. FACTUAL BACKGROUND

CLC's Administrative Complaint

43. ADMIT.

44. ADMIT.

45. This paragraph contains Plaintiff's characterizations of the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

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

47. This paragraph contains Plaintiff's characterizations of the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required. This paragraph also 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.

48. ADMIT that LBP PAC reported in its year-end report covering 2023 that it disbursed approximately \$2.030 million (of \$2.127 million in total spending) to Mountain Media. This paragraph also 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.

49. ADMIT that LBP PAC reported contributions from Majority Forward of \$2.135 million in 2023, and that it reported receiving no other contributions. This paragraph also contains

Plaintiff's characterizations of publicly available documents, which speaks for themselves and are the best evidence of their contents, therefore no response is required.

50. This paragraph contains Plaintiff's characterizations of the administrative complaint and an election advertisement website, which speaks for themselves and are the best evidence of their contents, therefore no response is required.

51. This paragraph contains Plaintiff's characterizations of the administrative complaint and publicly available reporting, which speaks for themselves and are the best evidence of their contents, therefore no response is required.

LBP PAC Responds to the Administrative Complaint

52. This paragraph contains Plaintiff's characterizations of LBP PAC's response to the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

53. This paragraph contains Plaintiff's characterizations of LBP PAC's response to the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

54. This paragraph contains Plaintiff's characterizations of LBP PAC's response to the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

55. This paragraph contains Plaintiff's characterizations of LBP PAC's response to the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

56. This paragraph contains Plaintiff's characterizations of LBP PAC's response to the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

OGC Recommends Finding Reason to Believe LBP PAC Violated FECA

57. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

58. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

59. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

60. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

61. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

62. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

63. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

64. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

65. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

66. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

67. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

68. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

69. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

70. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

71. This paragraph contains Plaintiff's characterizations of First General Counsel's Report regarding the administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

72. ADMIT.

73. ADMIT.

74. This paragraph contains Plaintiff's reference to a judicial opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required. ADMIT the remainder of this paragraph.

75. ADMIT.

76. This paragraph contains Plaintiff's characterizations of the minority's Statement of Reasons, which speaks for itself and is the best evidence of its contents, therefore no response is required.

77. This paragraph contains Plaintiff's characterization of the majority's Statement of Reasons, which speaks for itself and is the best evidence of its contents, therefore no response is required.

78. This paragraph and accompanying footnote contain Plaintiff's characterizations of the majority's Statement of Reasons, which speaks for itself and is the best evidence of its contents, therefore no response is required.

79. This paragraph contains Plaintiff's characterizations of, and legal conclusions regarding, the majority's Statement of Reasons, which speaks for itself and is the best evidence of its contents, therefore no response is required.

80. This paragraph contains Plaintiff's characterizations of, and legal conclusions regarding, the majority's Statement of Reasons, which speaks for itself and is the best evidence of its contents, therefore no response is required.

81. This paragraph contains Plaintiff's legal conclusions regarding the majority's Statement of Reasons, therefore no response is required.

82. This paragraph contains Plaintiff's characterizations of, speculation about, and legal conclusions regarding, the majority's Statement of Reasons, which speaks for itself and is the best evidence of its contents, therefore no response is required. To the extent a response is required, DENY.

83. This paragraph contains Plaintiff's legal conclusions regarding the majority's Statement of Reasons and a Court of Appeals decision, therefore no response is required. To the extent a response is required, DENY.

CAUSE OF ACTION

Count I: FECA, 52 U.S.C. § 30109(a)(8)(A)

84. This paragraph repeats and realleges paragraphs 1-83 and requires no response beyond the answers given in each of those paragraphs above.

85. This paragraph contains Plaintiff's legal conclusions regarding the administrative complaint, therefore no response is required.

86. This paragraph contains Plaintiff's legal conclusions, therefore no response is required. To the extent a response is required, DENY.

RELIEF REQUESTED

With regard to the Relief Requested section of the Complaint, DENY that the Commission's failure to find reason to believe that violations occurred, and its subsequent dismissal were arbitrary, capricious, and contrary to law; DENY that the Plaintiff is entitled to the relief requested or any other relief; and DENY as to the remainder of the allegations.

AFFIRMATIVE DEFENSE

The Court lacks subject-matter jurisdiction over a portion of Plaintiff's claim because Plaintiff lacks standing, as required by U.S. Const. art. III, § 2, cl. 1.

Respectfully submitted,

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