



to federal candidates have totaled less than \$200 for the 2023-2024 election cycle. Plaintiffs' legal conclusions require no response. No response is required to plaintiffs' characterizations of the contents of provisions of the Federal Election Campaign Act, 52 U.S.C. §§ 30101-30146 ("FECA"), FEC regulations, recommendations made by the Commission to Congress, and statements by Commissioners, which speak for themselves and are the best evidence of their contents. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

### **"JURISDICTION AND VENUE"**

1. ADMIT that 28 U.S.C. § 1331 provides federal question jurisdiction and that plaintiffs are entitled to invoke 52 U.S.C. § 30110 to the extent they possess Article III standing. DENY that "the question of the constitutionality of 52 U.S.C. § 30116(a)(8)" should be certified to the U.S. Court of Appeals for the Sixth Circuit prior to this Court first developing a record for appellate review by making findings of fact and determining whether plaintiffs' constitutional challenges are frivolous or involve settled legal questions. The remaining allegations in this paragraph are DENIED.

2. ADMIT that venue is proper in the U.S. District Court for the Northern District of Ohio.

### **"PARTIES"**

3. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

4. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

5. ADMIT that the Commission is the independent agency of the United States government with statutory authority over the administration, interpretation, and civil enforcement of Federal Election Campaign Act, 52 U.S.C. §§ 30101-30146. *See id.* §§ 30106(b)(1), 30107(a)(7)-(8), 30109, 30111(a)(8).

**“STATEMENT OF FACTS”**

***“The Regulatory Regime”***

6. This paragraph quotes part of 52 U.S.C. § 30104(b)(3), which speaks for itself, and contains legal conclusions, so no response is required.

7. This paragraph quotes part of 52 U.S.C. § 30101(13), which speaks for itself, and contains legal conclusions, so no response is required.

8. This paragraph quotes part of 52 U.S.C. § 30116(a)(8), which speaks for itself, contains legal conclusions, and characterizes the contents of provisions of FECA and FEC regulations, which speak for themselves and are the best evidence of their contents, so no response is required.

9. This paragraph quotes part of 11 C.F.R. § 110.6(c)(1)(i), which speaks for itself, contains legal conclusions, and characterizes the contents of provisions of FECA and FEC regulations, which speak for themselves and are the best evidence of their contents, so no response is required.

10. This paragraph quotes part of 11 C.F.R. § 110.6(c)(1)(ii), (iv)(A), which speaks for itself, contains legal conclusions, and characterizes the contents of provisions of FECA and FEC regulations, which speak for themselves and are the best evidence of their contents, so no response is required.

11. This paragraph quotes part of 11 C.F.R. § 110.6(c)(1)(iii), (c)(2)(i), which speaks for itself, contains legal conclusions, and characterizes the contents of provisions of FECA and FEC regulations, which speak for themselves and are the best evidence of their contents, so no response is required.

***“WinRed and ActBlue”***

12. ADMIT that there is an entity called WinRed (ID: C00694323) that is registered with the Commission as a political action committee. ADMIT that there is a website, winred.com, which states that “WinRed is the official secure payments technology designed to help GOP candidates and committees win across the US,” winred.com/about/ (last visited Sept. 19, 2024). The Commission is without knowledge or information sufficient to admit or deny the remaining factual allegations in this paragraph.

13. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph.

14. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph.

15. ADMIT that there is an entity called WinRed (ID: C00694323) that is registered with the Commission as a political action committee, which files reports with the Commission. ADMIT that the two FEC reports WinRed (ID: C00694323) filed with the Commission for 2023 combined to exceed 10 million pages and that its quarterly report for the first quarter of 2024 exceeded 4.5 million pages. DENY the remaining factual allegations in this paragraph.

16. DENIED.

17. ADMIT that, between January 1, 2023 and March 31, 2024, WinRed (ID: C00694323) disclosed to the Commission 4,855,748 transactions valued between \$0.01 and

\$1.00 and 21,162,489 transactions valued between \$0.01 and \$200.00. Plaintiffs' characterizations and legal conclusions require no response. The Commission is without knowledge or information sufficient to admit or deny the remaining factual allegations in this paragraph.

18. This paragraph contains legal conclusions and characterizes the contents of provisions of FECA and FEC regulations, which speak for themselves and are the best evidence of their contents, so no response is required.

19. ADMIT there is an entity called ActBlue (ID: C00401224) that is registered with the Commission as a hybrid political action committee with both contribution and non-contribution accounts. ADMIT that there is a website, [secure.actblue.com](https://secure.actblue.com), which states that "ActBlue" has an "online fundraising platform for Democratic candidates up and down the ballot, progressive organizations, and nonprofits" and that "ActBlue" "operate[s] as a conduit," [secure.actblue.com/about](https://secure.actblue.com/about) (last visited Sept. 19, 2024). DENY that, between January 1, 2023 and May 31, 2024, ActBlue (ID: C00401224) has disclosed to the Commission over 47 million conduit contributions valued between \$0.01 and \$200.00 to the Commission. Plaintiffs' characterizations and legal conclusions require no response. The Commission is without knowledge or information sufficient to admit or deny the remaining factual allegations in this paragraph.

***"Steven and Colleen Oliver"***

20. DENIED.

21. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph.

22. ADMIT that Donald Trump for President 2024, Inc. (ID: C00828541), which is registered with the Commission as a principal campaign committee, has reported to the Commission that it has received \$273.60 in contributions from plaintiff Colleen Oliver for the 2023-2024 election cycle as of July 31, 2024. ADMIT that the WinRed political action committee (ID: C00694323) has reported to the Commission that it has received the following contribution amounts from plaintiff Colleen Oliver during the 2023-2024 election cycle as of June 30, 2024: (a) \$299 earmarked for the Trump Save America Joint Fundraising Committee (ID: C00770941); (b) \$200 earmarked for the Trump National Committee JFC, Inc. (ID: C00873893); and (c) \$200 earmarked for NRCC (ID: C00075820). The Commission is without knowledge or information sufficient to admit or deny the remaining factual allegations in this paragraph.

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

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

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

26. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph.

27. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph.

28. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph.

29. DENIED.

***“The FEC Asks Congress to Adopt an Itemization Threshold for Conduit Contributions”***

30. ADMIT that, on December 14, 2023, the Commission voted unanimously to approve Agenda Document No. 23-27-A, subject to edits discussed by staff during an open Commission meeting that day. ADMIT that the Commission subsequently submitted the “Federal Election Commission Legislative Recommendations 2023” to Congress, which document can be located at <https://www.fec.gov/documents/4958/legrec2023.pdf> (last visited Sept. 19, 2024) (hereinafter referred to as “2023 Legislative Recommendations”).

31. This paragraph purports to characterize the 2023 Legislative Recommendations, which speaks for itself and is the best evidence of its contents, no response is therefore required.

32. This paragraph purports to quote the 2023 Legislative Recommendations, which speaks for itself and is the best evidence of its contents, no response is therefore required.

33. This paragraph purports to quote and to characterize the 2023 Legislative Recommendations, which speaks for itself and is the best evidence of its contents, no response is therefore required.

34. This paragraph purports to quote and to characterize the 2023 Legislative Recommendations, which speaks for itself and is the best evidence of its contents, no response is therefore required.

35. DENIED.

36. ADMIT that Commissioner Allen Dickerson issued a statement on “Proposed Directive Concerning Requests to Withhold, Redact, or Modify Contributors’ Identifying Information,” dated May 16, 2024, which can be located at <https://www.fec.gov/documents/5345/Statement-on-Proposed-Directive-to-Withhold-Redact-or->

Modify-Contributors-Information.pdf (last visited Sept. 19, 2024). This paragraph purports to characterize that statement, which speaks for itself and is the best evidence of its contents, no response is therefore otherwise required. DENY the remaining factual allegations in this paragraph.

37. ADMIT that Commissioner Dara Lindenbaum issued a statement “Urging Congress to Amend the Federal Election Campaign Act to Eliminate the Public Disclosure of Contributors’ Street Names and Street Numbers,” dated May 16, 2024, which can be located at <https://www.fec.gov/documents/5344/Statement-Urging-Amend-FECA-to-Eliminate-Disclosure-of-Contributors-Street-Nam.pdf> (last visited Sept. 19, 2024). This paragraph purports to characterize that statement, which speaks for itself and is the best evidence of its contents, no response is therefore otherwise required.

38. ADMIT.

39. Plaintiffs’ characterizations and legal conclusions require no response.

**“COUNT ONE”  
“RIGHT TO FREE SPEECH AND ASSOCIATION”  
“U.S. CONST. AMEND I”**

40. This paragraph incorporates by reference all preceding paragraphs. The Commission likewise incorporates by reference its preceding responses.

41. DENIED.

42. DENIED.

43. DENIED.



**“PRAYER FOR RELIEF”**

(a)-(f). No response is required to plaintiffs’ prayer for relief. However, if a response may be deemed necessary, the Commission DENIES that plaintiffs are entitled to the relief requested or to any other relief.

Respectfully submitted,

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