

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

_____)	
READY FOR RON,)	
)	
Plaintiff,)	Civ. No. 22-3282 (RDM)
)	
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 Injunctive and Declaratory Relief filed by plaintiff Ready for Ron (“RFR”) on October 27, 2022. Any allegation not specifically responded to below is DENIED.

INTRODUCTION

Plaintiff’s complaint begins with a series of factual assertions, legal conclusions, and opinions in unnumbered paragraphs across pages 1-4. This portion of the complaint does not follow the requirement in Fed. R. Civ. P. 10(b) that factual and legal declarations be made in the form of numbered paragraphs to facilitate responses by other parties and review by the Court, thereby making responses to particular assertions impractical. These opening paragraphs, moreover, summarize the allegations in plaintiff’s complaint, which speaks for itself and so no response is required. To the extent a response is required, the allegations in this portion of the complaint are DENIED.

1. DENY that 28 U.S.C. § 2201 provides an independent basis for jurisdiction and deny that the Court possesses jurisdiction for Counts III-V.

2. ADMIT.

3. This paragraph contains plaintiff's legal conclusions, to which no response is required. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph, including the intent for which RFR was formed. To the extent a response is required, ADMIT that RFR has registered with the FEC as an unauthorized, non-connected hybrid political committee with a mailing address in Miami Florida.

4. ADMIT.

5. This paragraph contains plaintiff's legal conclusions, to which no response is required. The Commission is without knowledge or information sufficient to admit or deny whether Florida Governor Ronald Dion DeSantis ("Governor DeSantis") is presently testing the waters with regards to a federal candidacy under 11 C.F.R. § 100.72(a) or meets the definition of a "candidate" for President or another federal office under FECA, 52 U.S.C. § 30101(2).

ADMIT the remaining factual allegations of this paragraph.

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

7. ADMIT that RFR has registered and filed disclosure reports with the FEC as an unauthorized, non-connected hybrid political committee, also known as a "*Carey* PAC." The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph and subparagraphs.

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

9. ADMIT that RFR has created a petition advocating that Governor DeSantis become a candidate for the Republican nomination for President in the 2024 election. The

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

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

11. ADMIT that as of January 25, 2023, the cited website displays the text of a petition and provides visitors an opportunity to submit personally identifying information. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

12. This paragraph describes the content of a website, which speaks for itself and so no response is required. To the extent a response is required, ADMIT that as of January 25, 2023, www.readyforron.com contains the quoted statements.

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

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

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

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

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

18. This paragraph describes a Commission advisory opinion, which speaks for itself and so no response is required. To the extent a response is required, DENY that any action of

the Commission has exposed RFR to the possibility of administrative proceedings and potential sanctions. DENY that the Commission has represented there is no point in time at which RFR may legally provide its signed petition to Governor DeSantis, as the advisory opinion did not address or foreclose alternatives such as payment by DeSantis for lists containing supporter contact information. ADMIT the remaining allegations in this paragraph.

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

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

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

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

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

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

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

26. RFR's statement that there is an "absence of any applicable statutory prohibition" as to whether RFR may provide the signed petition to Governor DeSantis before he begins testing the waters is a legal conclusion which requires no response. The paragraph contains characterizations of an FEC advisory opinion which speaks for itself and so no response is

required. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph. To the extent a response is required, DENY that the Commission's Advisory Opinion treated the list of the RFR petition's signatories improperly, illegally, or unconstitutionally.

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

28. ADMIT that RFR submitted the advisory opinion request attached to the Complaint as Exhibit 1 with the Commission in May of 2022. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

29. ADMIT.

30. ADMIT.

31. ADMIT.

32. DENY that the correspondence described in this paragraph was provided to the Commission "[t]he next day," i.e. September 16, 2022. The exhibit identified in this paragraph indicates that this correspondence was provided to the Commission on September 18, 2022.

ADMIT the remaining allegations in this paragraph.

33. ADMIT.

34. ADMIT.

35. ADMIT.

36. ADMIT that on September 27, 2022, RFR submitted a 25-page comment in response to Draft C, reflected in Exhibit 7 to the Complaint. The remaining allegations of this paragraph characterize Exhibit 7, which speaks for itself and so no response is required. To the extent a response is required, the remaining allegations in the paragraph are DENIED.

37. ADMIT that on September 27, 2022, the Commission circulated a revised version of Draft C for an internal, written 24-hour “tally vote” which concluded on the afternoon of September 28, as reflected in Exhibit 8 to the Complaint. The remaining allegations of this paragraph are DENIED.

38. ADMIT that RFR emailed the Commission on September 28, 2022, with comments on the Commission’s Advisory Opinion Draft C, as reflected in Exhibit 9 to the Complaint. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

39. ADMIT that on September 28, 2022, the Commission concluded its paper tally vote and approved Draft C as its Advisory Opinion, as reflected in Exhibit 10 to the Complaint and that no public hearing was held on RFR’s advisory opinion request after September 15, 2022.

40. ADMIT that Exhibit 11 to the Complaint is a true and complete copy of Commission Advisory Opinion 2022-12 (Ready for Ron). The remaining allegations in this paragraph characterize the contents of the Commission’s approved Advisory Opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required. To the extent a response is required, those allegations are DENIED.

41. The allegations in this paragraph and subparagraphs characterize the contents of the referenced Advisory Opinion, which speaks for itself and is the best evidence of its contents, and contain legal conclusions, therefore no response is required.

42. The allegations in this paragraph characterize the contents of the referenced Advisory Opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

43. The allegations in this paragraph characterize the contents of the referenced Advisory Opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

44. The allegations in this paragraph characterize the contents of the referenced Advisory Opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

45. The allegations in this paragraph characterize the contents of the referenced Advisory Opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

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

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

48. This paragraph and subparagraphs characterize a judicial opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

49. This paragraph consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

50. This paragraph consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

51. This paragraph consists of plaintiff's legal conclusions, to which no response is required.

52. This paragraph consists of plaintiff's legal conclusions, to which no response is required.

53. This paragraph consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

54. This paragraph consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

55. This paragraph characterizes judicial opinions, which speak for themselves and are the best evidence of their contents, therefore no response is required. This paragraph also consists of plaintiff's legal conclusions, to which no response is required. To the extent a response may be required to the third sentence, the allegations are DENIED.

56. This paragraph characterizes a judicial opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

57. This paragraph characterizes a judicial opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

58. This paragraph characterizes a judicial opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required. This paragraph also consists of plaintiff's legal conclusions, to which no response is required.

59. This paragraph characterizes judicial opinions, which speak for themselves and are the best evidence of their contents, therefore no response is required. This paragraph also consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required to the second sentence of this paragraph, the allegations are DENIED.

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

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

62. This paragraph characterizes the contents of an FEC report, which speaks for itself and is the best evidence of its contents, therefore no response is required. To the extent a response is required, ADMIT that the FEC made legislative recommendations regarding draft committees in 1976.

63. This paragraph characterizes the contents of FEC legislative recommendations, which speak for themselves and are the best evidence of their contents, therefore no response is required.

64. This paragraph characterizes the contents of proposed legislative amendments, which speak for themselves and are the best evidence of their contents, therefore no response is required.

65. This paragraph and subparagraphs characterize the contents of proposed legislation, which speaks for itself and is the best evidence of its contents, therefore no response is required.

66. DENY that RFR's provision of its signed petition to Governor DeSantis should not at any juncture be deemed a "contribution." The remaining allegations in this paragraph are legal conclusions, to which no response is required.

67. DENY.

68. This paragraph characterizes the contents of a statute and regulation, which speak for themselves and are the best evidence of their contents, therefore no response is required.

69. This paragraph consists of plaintiff's legal conclusions, to which no response is required.

70. This paragraph consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations regarding plaintiff's petition are DENIED.

71. This paragraph characterizes the contents of judicial opinions, which speak for themselves and are the best evidence of their contents, therefore no response is required. This paragraph also consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

72. This paragraph and subparagraphs consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

73. This paragraph characterizes various statutes and regulations, which speak for themselves and are the best evidence of their contents, therefore no response is required. This paragraph also consists of plaintiff's legal conclusions, to which no response is required.

74. DENY that there is no legal basis upon which the FEC's advisory opinion refused to affirm RFR's right to share its signed petition to Governor DeSantis before he begins testing the waters. The remaining allegations of this paragraph consist of plaintiff's legal conclusions, to which no response is required.

75. DENY that no statutory authority exists for the cited regulation. This paragraph characterizes the contents of a statute and regulation, which speak for themselves and are the best evidence of their contents, therefore no response is required. This paragraph also consists of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the remaining allegations of this paragraph are DENIED.

76. This paragraph characterizes the contents 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 consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

77. This paragraph and subparagraphs characterize the contents of a regulation and the record of Commission hearings, which speak for themselves and are the best evidence of their contents, therefore no response is required. The remaining allegations of this paragraph consist of plaintiff's legal conclusions, to which no response is required. The news articles cited in the accompanying footnote speak for themselves, and are the best evidence of their contents, therefore no response is required. To the extent a response is required, the allegations are DENIED.

78. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

79. This paragraph characterizes the contents of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

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

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

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

83. The Commission is without knowledge or information sufficient to admit or deny allegations in this paragraph. The allegations in this paragraph also consist of plaintiff's legal conclusions, to which no response is required.

84. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph. The allegations in this paragraph also consist of plaintiff's legal conclusions, to which no response is required. DENY the allegation stating the FEC is defending "a bizarre pay-to-play system[.]"

85. DENY.

86. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

87. DENY.

88. This paragraph characterizes a Commission advisory opinion, 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 that the Commission's advisory opinion affirmatively prohibited RFR from providing its petition to Governor DeSantis, which misstates the legal effect of an advisory opinion in general, and the scope of this advisory opinion in particular, as the advisory opinion did not address or foreclose alternatives such as payment by DeSantis for lists containing supporter contact information. DENY that RFR would be "forced to discontinue" soliciting and collecting signatures and signatories' contact information for its petition if Governor DeSantis begins testing the waters or becomes a candidate. The Commission is without knowledge or information sufficient to admit or deny what knowledge or information RFR has regarding Governor DeSantis, what RFR seeks to do in the future, or its plans regarding spending and/or advocacy. The remaining allegations in this paragraph and subparagraphs consist of plaintiff's legal conclusions, to which no response is required.

89. The allegations in this paragraph and subparagraphs consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

90. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

91. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

92. The Commission is without knowledge or information sufficient to admit or deny any factual allegation in this paragraph regarding RFR's planned future conduct. The heading preceding this paragraph consist of plaintiff's legal conclusions, to which no response is required.

93. The Commission incorporates by reference its responses to the allegations contained in each of the preceding paragraphs of plaintiff's complaint.

94. DENY.

95. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required.

96. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations that plaintiff's First Amendment rights have been violated are DENIED. DENY the allegations following this numbered paragraph beginning with "WHEREFORE."

97. The Commission incorporates by reference its responses to the allegations contained in each of the preceding paragraphs of plaintiff's complaint. The heading above this paragraph is DENIED.

98. This paragraph characterizes the contents of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

99. ADMIT.

100. This paragraph characterizes a Commission advisory opinion, 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 that the Commission ruled that there are no circumstances in which RFR could provide a signed petition to Governor DeSantis while he is testing the waters or after he becomes a candidate, as the advisory opinion did not address or foreclose alternatives such as payment by DeSantis for lists containing supporter contact information, and DENY that the Commission ruled RFR may not spend funds from its non-contribution *Carey* account to advertise a petition and invite people to sign it.

101. ADMIT that the Commission's Advisory Opinion 2022-12 (Ready for Ron) does not provide a "safe harbor" under 52 U.S.C. § 30108(c)(1)(A), (2) for RFR's proposed course of conduct. The remaining allegations of this paragraph are DENIED.

102. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

103. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

104. DENY. The allegations following this numbered paragraph beginning with "WHEREFORE" are DENIED.

105. The Commission incorporates by reference its responses to the allegations contained in each of the preceding paragraphs of plaintiff's complaint.

106. This paragraph characterizes the contents of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

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

108. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. The allegations following this numbered paragraph beginning with "WHEREFORE" are DENIED.

109. The Commission incorporates by reference its responses to the allegations contained in each of the preceding paragraphs of plaintiff's complaint.

110. This paragraph characterizes the contents of a judicial opinion, which speaks for itself and is the best evidence of its contents, therefore no response is required.

111. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

112. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required.

113. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

114. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

115. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

116. The allegations in this paragraph and the paragraph after “WHEREFORE” consist of plaintiff’s legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

117. The Commission incorporates by reference its responses to the allegations contained in each of the preceding paragraphs of plaintiff’s complaint.

118. This paragraph characterizes the contents of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

119. This paragraph characterizes the contents of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

120. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, the allegations are DENIED.

121. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, the allegations are DENIED.

122. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph. To the extent a response is required, the allegations are DENIED.

123. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph. The allegations in this paragraph also consist of plaintiff’s legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED. The allegations following this numbered paragraph beginning with “WHEREFORE” are DENIED.

124. The Commission incorporates by reference its responses to the allegations contained in each of the preceding paragraphs of plaintiff's complaint.

125. This paragraph characterizes the contents of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

126. DENY that RFR's requested Advisory Opinion sought to "confirm[] its right" to engage in its proposed course of conduct. ADMIT the remaining allegations of this paragraph.

127. This paragraph characterizes a Commission advisory opinion, 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 that the Commission ruled that there are no circumstances in which RFR could provide a signed petition to Governor DeSantis while he is testing the waters, as the advisory opinion did not address or foreclose alternatives such as payment by DeSantis for lists containing supporter contact information.

128. This paragraph characterizes the contents of a statute and regulations, which speak for themselves and are the best evidence of their contents, therefore no response is required.

129. This paragraph characterizes the contents of a statute, which speaks for itself and is the best evidence of its contents, therefore no response is required.

130. DENY.

131. The allegations in this paragraph consist of plaintiff's legal conclusions, to which no response is required. The allegations following this numbered paragraph beginning with "WHEREFORE" are DENIED.

PRAYER FOR RELIEF

Plaintiff is not entitled to the relief prayed for in this portion of the complaint, or to any other relief.

AFFIRMATIVE DEFENSES

1. The Court lacks subject matter jurisdiction for Counts III-V.

Respectfully submitted,

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January 27, 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2023, I served the foregoing pursuant to Fed. R. Civ.

P. 5(b)(2)(E) on counsel of record, as a registered ECF user, through the Court's ECF system.

/s/ Christopher H. Bell
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