

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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COMMON CAUSE GEORGIA, <i>et al.</i> ,))	
))	
Plaintiffs,))	Civ. No. 22-3067 (DLF)
))	
v.))	
))	
FEDERAL ELECTION COMMISSION,))	
1050 First Street NE))	
Washington, DC 20463,))	ANSWER
))	
Defendant.))	
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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 plaintiffs Common Cause Georgia (“CCG”) and Treanna C. Dennis on October 10, 2022. Any allegation not specifically responded to below is DENIED.

1. This paragraph and accompanying footnote describe plaintiffs’ complaint and administrative complaint, as well as written recommendations of the Commission’s Office of General Counsel (“OGC”), documents which speak for themselves and are the best evidence of their contents, therefore no response is required. This paragraph also refers to a publicly available page on the FEC’s web site and an exhibit to the court complaint, which speak for themselves and are the best evidence of their contents, therefore no response is required.

ADMIT that an administrative complaint filed with the FEC by plaintiffs alleging that True the Vote, a section 501(c)(3) nonprofit corporation, and the Georgia Republican Party violated federal campaign finance law was dismissed. ADMIT that the matter was designated Matter Under Review (“MUR”) 7894 and that documents from the MUR file are available on the cited

Internet page. DENY that the dismissal of the administrative complaint was unjustifiable or unlawful. To the extent a further response is required, the allegations of this paragraph are DENIED.

2. This paragraph characterizes the claims in plaintiffs' complaint, and so no response is required. To the extent a response is required, ADMIT that plaintiffs' complaint purports to assert a claim under 52 U.S.C. § 30109(a)(8)(A).

3. ADMIT that plaintiffs filed an administrative complaint with the FEC on March 31, 2021, which the FEC designated MUR 7894. The remainder of this paragraph characterizes the allegations in plaintiffs' administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

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

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

6. This paragraph contains plaintiffs' characterizations of the First General Counsel's Report in FEC MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required. ADMIT that a copy of the Report is available at the cited Internet page.

7. This paragraph contains plaintiffs' characterizations of a publicly available Internet web page and document, 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 on August

11, 2022, FEC Commissioners voted 2-to-3, with one Commissioner recused, on whether to find reason to believe violations of the Federal Election Campaign Act (“FECA”) occurred in MUR 7894. ADMIT that Commissioners subsequently voted to close the file in MUR 7894, but DENY that the vote to close the file was 4-to-2. This vote was 4-to-0, with one Commissioner abstaining and another recused from the vote.

8. ADMIT.

9. This paragraph contains plaintiffs’ legal conclusions, to which no response is required. To the extent a response is required, the allegations are DENIED.

10. This paragraph characterizes Supreme Court precedent, which speaks for itself, and therefore no response is required.

11. This paragraph contains plaintiffs’ legal conclusions and characterization of judicial precedent, to which no response is required. To the extent a response is required, the allegations are DENIED.

12. This paragraph contains plaintiffs’ legal conclusions, to which no response is required. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

13. This paragraph describes the request for judicial relief in this complaint, to which no response is required. Plaintiff’s request for judicial relief should be denied.

14. ADMIT that FECA’s judicial review provision, 52 U.S.C. § 30109(a)(8), provides statutory jurisdiction; that 28 U.S.C. § 1331 provides federal question jurisdiction in the district court; and that the Court has personal jurisdiction over the Commission. The remaining allegations of this paragraph are DENIED.

15. ADMIT that 52 U.S.C. § 30109(a)(8) and 28 U.S.C. § 1391(e) provide for venue in the United States District Court for the District of Columbia.

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.

18. DENY that the Commission has failed to enforce FECA. The Commission is without knowledge or information sufficient to admit or deny 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. ADMIT that registered voters are entitled to receive information FECA requires to be publicly disclosed. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

21. This paragraph contains plaintiffs' legal conclusions as to whether certain disclosure is statutorily mandated, to which no response is required. The Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph regarding plaintiffs' use of information. The remaining allegations in this paragraph are DENIED.

22. ADMIT.

23. This paragraph and accompanying footnote contain plaintiffs' characterizations of statutes, regulations, judicial precedent, and Commission guidance, which speak for themselves and are the best evidence of their contents, therefore no response is required. ADMIT that Commission guidance appears at the cited Internet page.

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

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

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

27. This paragraph quotes the Explanation and Justification for certain Commission regulatory changes, 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 citation contained in this paragraph is the correct one for the language quoted. This paragraph appears to reference FEC, Corporate and Labor Organization Activity; Express Advocacy and Coordination With Candidates, 60 Fed. Reg. 64260, 64262, 64263 (Dec. 14, 1995).

28. This paragraph characterizes and quotes the Explanation and Justification for certain Commission regulatory changes, 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 following *Citizens United v. FEC*, 558 U.S. 310 (2010), the Commission updated its regulations in response to that decision.

29. This paragraph characterizes and quotes the Explanation and Justification for certain Commission regulatory changes, which speaks for itself and is the best evidence of its contents, therefore no response is required.

30. This paragraph characterizes and quotes the Explanation and Justification for certain Commission regulatory changes, as well as the text of certain regulations, all of which

speak for themselves and are the best evidence of their contents, therefore no response is required.

31. This paragraph quotes a Commission regulation, 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 cited regulation contains the text quoted in this paragraph. Plaintiffs appear to have intended to reference 11 C.F.R. § 114.4(c)(1).

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

33. This paragraph characterizes and quotes a Commission regulation, which speaks for itself and is the best evidence of its content, therefore no response is required.

34. This paragraph characterizes and quotes the Explanation and Justification for certain Commission regulatory changes, as well as the text of certain regulations, all of which speak for themselves and are the best evidence of their contents, therefore no response is required.

35. This paragraph characterizes FECA and Commission regulations, which speak for themselves and are the best evidence of their contents, therefore no response is required.

36. This paragraph characterizes FECA, which speaks for itself and is the best evidence of its contents, and also contains legal conclusions, therefore no response is required.

37. This paragraph characterizes and quotes FECA and Commission regulations, which speak for themselves and are the best evidence of their contents, therefore no response is required.

38. This paragraph characterizes and quotes FECA, which speaks for itself and is the best evidence of its contents, therefore no response is required.

39. This paragraph characterizes and quotes a statement of policy by the Commission, which speaks for itself and is the best evidence of its contents, therefore no response is required.

40. This paragraph characterizes and quotes FECA, which speaks for itself and is the best evidence of its contents, therefore no response is required.

41. This paragraph describes the contents of plaintiffs' administrative complaint, 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 plaintiffs and Campaign Legal Center Action filed an administrative complaint with the Commission on March 31, 2021.

42. ADMIT.

43. This paragraph describes the contents of plaintiffs' administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required. To the extent a response is required, the Commission is without knowledge or information sufficient to admit or deny the allegations in this paragraph concerning True the Vote.

44. This paragraph describes the contents of plaintiffs' administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

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

46. This paragraph describes the contents of plaintiffs' administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

47. This paragraph and the accompanying footnote describe the contents of plaintiffs' administrative complaint and publicly available Internet websites, each of which speak for themselves and are the best evidence of their contents, therefore no response is required.

48. This paragraph and the accompanying footnote describe the contents of plaintiffs' administrative complaint, the First General Counsel's Report in MUR 7894, and publicly available Internet websites, each of which speak for themselves and are the best evidence of their contents, therefore no response is required.

49. This paragraph and the accompanying footnote describe the contents of plaintiffs' administrative complaint and disclosure reports filed with the FEC, each of which speak for themselves and are the best evidence of their contents, therefore no response is required. To the extent a response is required, ADMIT that, in the Georgia Republican Party's FEC reports, it has not disclosed any contributions received from True the Vote, nor payments to True the Vote for services, between 2019 and 2021.

50. ADMIT.

51. This paragraph contains descriptions of the responses to plaintiffs' administrative complaint by respondents in MUR 7894, which speak for themselves and are the best evidence of their contents, therefore no response is required.

52. This paragraph contains plaintiffs' description of the response by True the Vote to plaintiffs' administrative complaint, which speaks for itself and is the best evidence of its contents, therefore no response is required.

53. This paragraph describes the First General Counsel's Report in MUR 7894, 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 OGC recommended that the Commission find reason to believe certain respondents violated FECA and initiate an investigation.

54. This paragraph describes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

55. This paragraph describes and quotes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

56. This paragraph describes and quotes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

57. This paragraph describes and quotes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

58. This paragraph describes and quotes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

59. This paragraph describes and quotes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

60. This paragraph describes and quotes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

61. This paragraph describes and quotes the contents of the First General Counsel's Report in MUR 7894, which speaks for itself and is the best evidence of its contents, therefore no response is required.

62. This paragraph contains plaintiffs' characterizations of a publicly available Internet web page and document, 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 on August 11, 2022, FEC Commissioners voted 2-to-3, with one Commissioner recused, on whether to find reason to believe violations of FECA occurred in MUR 7894.

63. This paragraph contains plaintiffs' characterizations of a publicly available document, 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 on August 11, 2022, FEC Commissioners voted 2-to-3, with one Commissioner recused, on whether to reject the findings of OGC and find no reason to believe violations of FECA occurred in MUR 7894.

64. This paragraph contains plaintiffs' characterizations of a publicly available document, 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 on August 11, 2022, FEC Commissioners voted 4-to-0, with one recusal and one abstention, to close the file in MUR 7894.

65. This paragraph contains plaintiffs' characterizations of a publicly available document, which speaks for itself and is the best evidence of its contents, and also contains conclusions of law, therefore no response is required. To the extent a response is required, ADMIT the first sentence and DENY the second sentence.

66. This paragraph describes and quotes the contents of a Commissioner Statement of Reasons regarding MUR 7894, which speaks for itself and is the best evidence of its contents, and therefore no response is required.

67. This paragraph describes and quotes the contents of a Commissioner Statement of Reasons regarding MUR 7894, which speaks for itself and is the best evidence of its contents, and therefore no response is required. To the extent a response is required, DENY that there is “extensive and un rebutted evidence to the contrary” of any determination in the Statement of Reasons.

68. This paragraph contains plaintiffs’ legal conclusions, and it also characterizes and quotes Supreme Court precedent, therefore no response is required.

69. This paragraph characterizes and quotes a FECA provision, and also describes an FEC Commissioner Statement of Reasons, all of which 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 in the paragraph that the analysis in the FEC Commissioner Statement of Reasons was contrary to FECA are DENIED.

70. The allegations in this paragraph are DENIED. The accompanying footnote characterizes and quotes an FEC Commissioner’s Statement of Reasons, which speaks for itself and is the best evidence of its contents, therefore no response is required.

71. DENY.

72. The FEC incorporates by reference its responses to the allegations contained in paragraphs 1-71 of plaintiffs’ complaint. The heading above this paragraph is DENIED.

73. DENY.

74. DENY.

PRAYER FOR RELIEF

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

AFFIRMATIVE DEFENSE

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

Respectfully submitted,

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December 16, 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2022, 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.

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