

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

PURSUING AMERICA’S GREATNESS,	)	
	)	
Plaintiff,	)	Civ. No. 15-1217 (TSC)
	)	
v.	)	
	)	
FEDERAL ELECTION COMMISSION,	)	ANSWER
	)	
Defendant.	)	
	)	

**DEFENDANT FEDERAL ELECTION COMMISSION’S ANSWER**

Defendant Federal Election Commission (“FEC” or “Commission”) submits this answer to the Verified Complaint for Declaratory and Injunctive Relief filed by plaintiff Pursuing America’s Greatness (“PAG”). Any allegation not specifically responded to below is DENIED.

1. This paragraph summarizes plaintiff’s complaint, the allegations of which speak for themselves, and requires no response. To the extent a response is required, ADMIT that the Commission issued FEC Advisory Opinion 2015-04 (Collective Actions PAC), 2015 WL 4480266 (July 16, 2015) (“CAP Advisory Opinion”), that the CAP Advisory Opinion applied an FEC regulation, 11 C.F.R. § 102.14(a)-(b), but DENY the remaining allegations in this paragraph.

2. This paragraph summarizes plaintiff’s complaint, the allegations of which speak for themselves, and requires no response. To the extent a response is required, DENY that the FEC has interpreted and applied a law in a manner that “abridges the freedom of speech and association under the First Amendment of the U.S. Constitution.”

3. The first sentence of this paragraph states legal conclusions and does not require a response. To the extent a response is required, ADMIT that political committees may make

independent expenditures and exercise First Amendment rights of speech and association. The phrase “independent political activities” is too vague to permit a response. The Commission is without knowledge or information sufficient to admit or deny the allegations in the second sentence of this paragraph.

4. This paragraph states a legal conclusion and does not require a response. To the extent a response is required, ADMIT that political committees may make independent expenditures.

5. ADMIT that PAG indicates on its FEC Statement of Organization that it is located in Arkansas. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

6. ADMIT that, on or about March 11, 2015, PAG registered with the FEC as a political committee that has not been authorized by any candidate. ADMIT that PAG stated that it “intends to make independent expenditures, and consistent with the U.S. Court of Appeals for the District of Columbia Circuit decision in *SpeechNow v. FEC*, it therefore intends to raise funds in unlimited amounts. This committee will not use those funds to make contributions, whether direct, in-kind, or via coordinated communications, to federal candidates or committees.” FEC, Statement of Organization (PAG) at 1, 2, 5 (Mar. 11, 2015), <http://docquery.fec.gov/pdf/823/15950859823/15950859823.pdf>. The Commission is without knowledge or information sufficient to admit or deny the allegations in the second sentence of this paragraph.

7. ADMIT that, as of the date of this filing, <http://pagpac.com> is the address of a website and that the website states that it is “PAID FOR BY PURSUING AMERICA’S

GREATNESS.” The Commission is without knowledge or information sufficient to admit or deny whether that website is maintained by PAG.

8. ADMIT that, as of the date of this filing, [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com) is a website and that the Facebook Page “I Like Mike Huckabee” is located at <https://www.facebook.com/ilikemikehuckabee>. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

9. ADMIT that, as of the date and time of this filing, the “I Like Mike Huckabee” Facebook Page indicates that it has 181,456 “likes.” The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

10. ADMIT that Governor Mike Huckabee is a candidate for President of the United States in 2016. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

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

12. ADMIT that, as of the date of this filing, the [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com) website and “I Like Mike Huckabee” Facebook Page do not include separate sections requesting contributions to PAG or other entities. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

13. ADMIT that a Twitter “handle” is another way of saying Twitter “username,” and that, according to Twitter, “[a] username is how [someone is] identified on Twitter, and is always preceded immediately by the @ symbol.” Twitter, *The Twitter Glossary*, <https://support.twitter.com/articles/166337> (last visited October 1, 2015). ADMIT that @nytimes is the Twitter username of the *New York Times* and that @POTUS is the Twitter

username of President Obama. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

14. ADMIT that Collective Actions PAC (“CAP”) has registered with the FEC as a political committee that has not been authorized by any candidate. ADMIT that CAP stated that it “intends to make independent expenditures, and consistent with the U.S. Court of Appeals for the District of Columbia Circuit decision in *SpeechNow v. FEC*, it therefore intends to raise funds in unlimited amounts. This committee will not use those funds to make contributions, whether direct, in-kind, or via coordinated communications, to federal candidates or committees.” FEC, Amended Statement of Organization (CAP) at 1, 2 (June 15, 2015), <http://docquery.fec.gov/pdf/703/15031431703/15031431703.pdf>. ADMIT that the second sentence of CAP’s advisory opinion request states: “Our goal, at the moment, is to help Sen. Bernie Sanders in his bid to win the Democratic nomination for President.” (Compl. Exh. 1 at 1.) The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

15. ADMIT that CAP requested an advisory opinion from the FEC in a letter dated June 3, 2015. This paragraph summarizes CAP’s advisory opinion request, which speaks for itself, and requires no response. To the extent a response is required, ADMIT that CAP’s advisory opinion request stated that it manages, for example, “www.RunBernieRun.com, and the corresponding Facebook Page and Twitter account” (Compl. Exh. 1 at 1); that CAP would not “ask for, or accept, donations. It also won’t solicit donations for [CAP]” (*id.*); that CAP “has a number of large donors who . . . hope to reach millions of voters and believe being active online is the way to achieve our goal” (*id.*); and that the question presented by CAP’s advisory opinion request was whether CAP could use “Senator [Bernie] Sanders’s name in the names of the

Committee's websites or social media accounts if the Committee does not use those sites or accounts to solicit contributions to itself," CAP Advisory Opinion, 2015 WL 4480266, at \*1.

16. ADMIT that the CAP Advisory Opinion is dated July 16, 2015 and that it was issued on or around that date. This paragraph summarizes the CAP Advisory Opinion, which speaks for itself, and requires no response. To the extent a response is required, ADMIT that the CAP Advisory Opinion contains the quoted sentence and that the Commission concluded that CAP could "not use Senator Sanders's name in the names of the Committee's websites or social media pages" even though CAP did not intend to solicit contributions to itself, for the reasons stated in the CAP Advisory Opinion, CAP Advisory Opinion, 2015 WL 4480266, at \*1-3, but DENY that the remainder of this paragraph sets forth completely and accurately the reasons for the Commission's decision, including its suggestions (a) that the Commission's analysis exclusively focused on whether the names of CAP's websites or social media pages "clearly express[ed] opposition to Senator Sanders," and (b) that the "the titles/names of these webpages and social media accounts [we]re deemed offensive by the government."

17. ADMIT that political committees, including PAG, must comply with, *inter alia*, 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14. ADMIT that FECA provides statutory penalties for violation of its provisions. ADMIT that organizations may be subject to such penalties if they violate FECA provisions or FEC regulations. DENY the remaining allegations in this paragraph, including the allegation that "organizations . . . now face the prospect of potential civil and criminal penalties if they speak through websites, Facebook pages, or other social media platforms."

18. The allegation that a decision by PAG on July 17, 2015 to "cease[] any further work on updating, maintaining, promoting or changing" the [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com)

website and “I Like Mike Huckabee” Facebook Page would suffice to bring these websites into compliance with 52 U.S.C. § 30102(e)(4), 11 C.F.R. § 102.14, and the CAP Advisory Opinion is a legal conclusion and does not require a response. To the extent a response is required, DENY. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

19. ADMIT that PAG’s identification of its projects could lead to it being found to be in violation of FECA’s provisions or FEC regulations. DENY that the Commission has failed “to faithfully apply the First Amendment, FECA, FEC regulations, and controlling judicial precedent.” The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

20. DENY.

21. ADMIT that PAG has registered with the FEC as a political committee that has not been authorized by any candidate. ADMIT that PAG stated that it “intends to make independent expenditures, and consistent with the U.S. Court of Appeals for the District of Columbia Circuit decision in *SpeechNow v. FEC*, it therefore intends to raise funds in unlimited amounts. This committee will not use those funds to make contributions, whether direct, in-kind, or via coordinated communications, to federal candidates or committees.” FEC, Statement of Organization (PAG) at 1, 2, 5 (Mar. 11, 2015), <http://docquery.fec.gov/pdf/823/15950859823/15950859823.pdf>. DENY the remaining allegations in this paragraph.

22. This paragraph summarizes PAG’s complaint, the allegations of which speak for themselves, and requires no response. To the extent a response is required, DENY that PAG is entitled to any of the relief it seeks.

23. ADMIT that 28 U.S.C. § 1331 and 5 U.S.C. § 706 provide jurisdiction in the district court. DENY the remaining allegations in this paragraph, including that 28 U.S.C. § 2201 grants the Court jurisdiction.

24. ADMIT that venue is proper in this Court under 28 U.S.C. § 1391 and that there is no real property at issue. ADMIT that PAG indicates on its FEC Statement of Organization that it is located in Arkansas, but the Commission is otherwise without knowledge or information sufficient to admit or deny whether PAG is “organized and resides in Arkansas.”

25. ADMIT that PAG has registered with the FEC as a political committee that has not been authorized by any candidate and indicates on its FEC Statement of Organization that it is located in Arkansas. ADMIT that PAG stated that it “intends to make independent expenditures, and consistent with the U.S. Court of Appeals for the District of Columbia Circuit decision in *SpeechNow v. FEC*, it therefore intends to raise funds in unlimited amounts. This committee will not use those funds to make contributions, whether direct, in-kind, or via coordinated communications, to federal candidates or committees.” FEC, Statement of Organization (PAG) at 1, 2, 5 (Mar. 11, 2015), <http://docquery.fec.gov/pdf/823/15950859823/15950859823.pdf>. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

26. ADMIT.

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

28. ADMIT that, pursuant to 52 U.S.C. § 30108, CAP requested an advisory opinion from the FEC in a letter dated June 3, 2015. ADMIT that CAP’s advisory opinion request is attached as an exhibit to the Complaint, but DENY that it is Exhibit 2. This paragraph

summarizes CAP's advisory opinion request, which speaks for itself, and requires no response. To the extent a response is required, ADMIT that the question presented by CAP's advisory opinion request was whether CAP could use "Senator [Bernie] Sanders's name in the names of the Committee's websites or social media accounts if the Committee does not use those sites or accounts to solicit contributions to itself." CAP Advisory Opinion, 2015 WL 4480266, at \*1.

29. ADMIT that the Commission accepted CAP's advisory opinion request, designated the matter Advisory Opinion Request 2015-04, and posted it to the FEC's website for public comment.

30. ADMIT that the Commission issued a draft advisory opinion in response to CAP's advisory opinion request in a memorandum dated July 13, 2015 prepared by the FEC's Office of General Counsel. This paragraph summarizes the draft advisory opinion, which speaks for itself, and requires no response. To the extent a response is required, ADMIT that the draft advisory opinion concluded that CAP could "not use Senator Sanders's name in the names of the Committee's websites or social media pages" for the reasons stated in the draft advisory opinion.

31. ADMIT.

32. This paragraph states a legal conclusion (based on hypothetical facts) and does not require a response. To the extent a response is required, ADMIT that 52 U.S.C. § 30108(c) permits "any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered" to rely upon an FEC advisory opinion in good faith.

33. ADMIT that the Commission's issuance of the CAP Advisory Opinion is complete. DENY the remaining allegations in this paragraph.

34. This paragraph states a legal conclusion and does not require a response. To the extent a response is required, ADMIT that the [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com) website and “I Like Mike Huckabee” Facebook Page share the relevant material characteristics with the websites and social media accounts at issue in the CAP Advisory Opinion, given that the manner and degree of a special project’s fundraising is immaterial. The Commission is without knowledge or information sufficient to admit or deny whether PAG operates and maintains the [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com) website and “I Like Mike Huckabee” Facebook Page.

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

36. ADMIT that, as a political committee, PAG must comply with, *inter alia*, 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14. ADMIT that FECA provides statutory penalties for violation of its provisions. The Commission is without knowledge or information sufficient to admit or deny whether PAG believes its activities are “wholly permissible and protected.” DENY the remaining allegations in this paragraph.

37. The Commission is without knowledge or information sufficient to admit or deny whether the materials attached as Exhibit 4 to the Complaint exemplify PAG’s intended future communications. To the extent that this paragraph suggests that the materials attached as Exhibit 4 have not yet been publicly “communicated,” DENY.

38. ADMIT that, as of the date of this filing, the [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com) website and “I Like Mike Huckabee” Facebook Page presently exist. The Commission is without knowledge or information sufficient to admit or deny the remaining allegations in this paragraph.

39. DENY.

40. The Commission is without knowledge or information sufficient to admit or deny whether PAG has the “necessary time to plan and carry out its activities.” The phrase “Presidential primary season” is too vague to allow a response. DENY the remaining allegations in this paragraph.

41. ADMIT that, as a political committee, PAG must comply with, *inter alia*, 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14. ADMIT that FECA provides statutory penalties for violation of its provisions. ADMIT that PAG’s identification of its projects could lead to it being found to be in violation of FECA’s provisions or FEC regulations. The allegations that 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14 are “speech restrictions” and that PAG’s activities are “materially indistinguishable” from “speech that the FEC has concluded . . . is impermissible” are legal conclusions and do not require responses. To the extent responses are required, DENY. The Commission is without knowledge or information sufficient to admit or deny whether “PAG believes” that 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14 “violate the First Amendment and FECA.”

42. The Commission is without knowledge or information sufficient to admit or deny whether PAG believes that it will be subject to an FEC or U.S. Department of Justice investigation. The allegation that such beliefs, if held, are “reasonable” is a legal conclusion and does not require a response. To the extent a response is required, ADMIT that PAG’s identification of its projects could lead to it being found to be in violation of FECA’s provisions or FEC regulations. This paragraph summarizes the CAP Advisory Opinion, which speaks for itself, and requires no response. To the extent a response is required, DENY that PAG’s summary sets forth completely and accurately the effect of the CAP Advisory Opinion, including

the suggestion that whether the “content” of a “website, Facebook page, or Twitter account” “clearly opposes” a candidate is relevant in the context of PAG’s challenge.

43. DENY.

Text beneath “Count 1” heading. DENY.

44. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, ADMIT that PAG may make independent expenditures in support of Mike Huckabee’s candidacy for President of the United States.

45. This paragraph quotes, summarizes, or characterizes portions of 52 U.S.C. § 30102(e)(4), 11 C.F.R. § 102.14, and FEC advisory opinions, which speak for themselves, and requires no response. To the extent a response is required, ADMIT that the cited materials contain the quoted phrases, but DENY that the quoted selections and summaries set forth completely and accurately the full content of these provisions and advisory opinions.

46. The Commission is without knowledge or information sufficient to admit or deny what activities PAG may engage in. ADMIT that, as a political committee, PAG is subject to certain disclosure and disclaimer requirements. This paragraph contains conclusions of law to which no response is required. The described hypothetical activity is too vague to allow a response.

47. The first sentence of this paragraph summarizes the CAP Advisory Opinion, which speaks for itself, and requires no response. To the extent a response is required, ADMIT that the Commission concluded in the CAP Advisory Opinion that CAP could “not use Senator Sanders’s name in the names of the Committee’s websites or social media pages” even though CAP did not intend to solicit contributions to itself, for the reasons stated in the CAP Advisory Opinion. CAP Advisory Opinion, 2015 WL 4480266, at \*1-3. The allegation in the second

sentence of this paragraph that PAG's "pro-Huckabee website and Facebook page are materially indistinguishable from those that were the subject of the" CAP Advisory Opinion, is a legal conclusion and does not require a response. To the extent a response is required, ADMIT that the [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com) website and "I Like Mike Huckabee" Facebook Page share the relevant material characteristics with the websites and social media accounts at issue in the CAP Advisory Opinion, given that the manner and degree of a special project's fundraising is immaterial. The allegation that the "FEC would conclude that PAG may not maintain a website at the URL [www.ilikemikehuckabee.com](http://www.ilikemikehuckabee.com) or a Facebook page titled 'I Like Mike Huckabee'" is a legal conclusion and does not require a response. To the extent a response is required, ADMIT that PAG's identification of its projects could lead to it being found to be in violation of FECA's provisions or FEC regulations.

48. This paragraph summarizes versions of 11 C.F.R. § 102.14(a)-(b), which speak for themselves, and requires no response. It also states legal conclusions to which no response is required. To the extent a response is required, ADMIT the second and third (parenthetical) sentences; that the original version of 11 C.F.R. § 102.14(a)-(b) stated:

(a) The name of each authorized committee shall include the name of the candidate who authorized such committee. Except as provided in subsection (b) of this section, any political committee which is not an authorized committee shall not include the name of any candidate in its name.

(b)(1) A delegate committee, as defined at 11 CFR 100.5(a)(5), shall include the word "delegate(s)" in its name and may also include in its name the name of the presidential candidate which the delegate committee supports.

(2) A political committee established solely to draft an individual or to encourage him or her to become a candidate may include the name of such individual in the name of the committee provided the committee's name clearly indicates that it is a draft committee.

FEC, *Explanation and Justification of Regulations Concerning January 8, 1980 Amendments to Federal Election Campaign Act of 1971*, 45 Fed. Reg. 15,080, 15,108 (Mar. 7, 1980); that the FEC revised 11 C.F.R. § 102.14 in 1992, FEC, *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, 57 Fed. Reg. 31,424 (July 15, 1992); and that the fourth sentence accurately quotes a portion of a sentence from FEC, *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, 59 Fed. Reg. 17,267, 17,267 (Apr. 12, 1994); but DENY the remaining allegations in this paragraph, including the characterization that prior to 1992, “the FEC took the position that the PAC naming restriction at 2 U.S.C. § 30102(e)(4) [sic] meant what it said.”

49. This paragraph summarizes the D.C. Circuit’s decision in *Common Cause v. FEC*, 842 F.2d 436 (D.C. Cir. 1988), which speaks for itself, and requires no response. To the extent a response is required, ADMIT that this paragraph accurately quotes portions of the opinion, but DENY that PAG’s characterizations and presentation of selected portions of the opinion sets forth completely and accurately the D.C. Circuit’s stated reasons for its decision.

50. ADMIT that the FEC revised 11 C.F.R. § 102.14 in 1992 through a rulemaking. FEC, *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, 57 Fed. Reg. 31,424 (July 15, 1992). This paragraph summarizes the reasons and language of the FEC’s 1992 revision of 11 C.F.R. § 102.14, which speak for themselves, and requires no response. To the extent a response is required, ADMIT that the revision provided that “no unauthorized committee shall include the name of any candidate in its name. For purposes of this paragraph, ‘name’ includes any name under which a committee conducts activities, such as solicitations or other communications, including a special project name or other designation,” *id.* at 31,426, that the FEC’s explanation and justification contained the

quotation in this paragraph's fifth sentence, but DENY that PAG's summary sets forth completely and accurately the FEC's explanation and justification for, or the effect of, the 1992 revision of 11 C.F.R. § 102.14.

51. ADMIT that the FEC revised 11 C.F.R. § 102.14 in 1994 through a rulemaking that was prompted by a petition for rulemaking from Citizens Against David Duke. FEC, *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, 59 Fed. Reg. 17,267 (Apr. 12, 1994). This paragraph summarizes the reasons and language of the FEC's 1994 revision of 11 C.F.R. § 102.14, which speak for themselves, and requires no response. To the extent a response is required, ADMIT that the revision provided a new exception providing that "[a]n unauthorized political committee may include the name of a candidate in the title of a special project name or other communication if the title clearly and unambiguously shows opposition to the named candidate," *id.* at 17,269, that the FEC's explanation and justification contained the quoted selections, but DENY that PAG's summary sets forth completely and accurately the FEC's explanation and justification for, or the effect of, the 1994 revision of 11 C.F.R. § 102.14.

52. This paragraph purports to summarize the FEC's revisions of 11 C.F.R. § 102.14 and FEC advisory opinions, which speak for themselves, and require no response. To the extent a response is required, ADMIT that the FEC revised 11 C.F.R. § 102.14, including in 1992 and 1994, that unauthorized political committees may not use any candidate's names in their names, and that unauthorized political committees may not use any candidate's names in the names of their special projects, such as a website, unless the title of the project clearly and unambiguously shows opposition to the named candidate, but DENY the remaining allegations and characterizations in this paragraph.

53. ADMIT that the FEC's explanation and justification for revising 11 C.F.R. § 102.14 in 1994 included the following sentence: "This rule is narrowly designed to further the legitimate governmental interest in minimizing the possibility of fraud and abuse in this situation." FEC, *Special Fundraising Projects and Other Use of Candidate Names by Unauthorized Committees*, 59 Fed. Reg. 17,267, 17,268 (Apr. 12, 1994). DENY that this sentence sets forth completely and accurately the FEC's explanation and justification for the 1994 revision of 11 C.F.R. § 102.14.

54. DENY.

Text beneath "Count 2" heading. DENY.

55. This paragraph incorporates by reference paragraphs 1-54 of the Complaint. The Commission likewise incorporates by reference its preceding responses.

56. DENY.

57. DENY.

58. This paragraph quotes from Supreme Court opinions, which speak for themselves, and requires no response. To the extent a response is required, ADMIT that the decisions cited contain the quoted text, but DENY that these quotations set forth completely and accurately the applicable law of prior restraint.

59. This paragraph purports to summarize *Citizens United v. FEC*, 558 U.S. 310 (2010), which speaks for itself, and requires no response. To the extent a response is required, ADMIT that *Citizens United* contains the quoted selection, but DENY the remaining allegations in this paragraph, including the notion that the regulatory scheme under discussion in *Citizens United* was a prior restraint. See *Citizens United*, 558 U.S. at 335 (the scheme was "not . . . a

prior restraint on speech in the strict sense of that term, for prospective speakers are not compelled by law to seek an advisory opinion from the FEC before the speech takes place”).

60. DENY.

61. DENY.

Text beneath “Count 3” heading. DENY.

62. This paragraph incorporates by reference paragraphs 1-61 of the Complaint. The Commission likewise incorporates by reference its preceding responses.

63. This paragraph quotes, summarizes, or characterizes portions of 52 U.S.C. § 30102(e)(4), 11 C.F.R. § 102.14, and FEC advisory opinions, which speak for themselves, and requires no response. To the extent a response is required, ADMIT that the cited materials contain the quoted phrases, but DENY that the quoted selections and summaries set forth completely and accurately the full content of these provisions and advisory opinions.

64. This paragraph summarizes the CAP Advisory Opinion, which speaks for itself, and requires no response. To the extent a response is required, ADMIT that unauthorized political committees may not use any candidate’s names in their names and that unauthorized political committees may not use any candidate’s names in the names of their special projects, such as a website, unless the title of the project clearly and unambiguously shows opposition to the named candidate, but DENY the remaining allegations and characterizations in this paragraph.

65-68. These paragraphs quote from the Supreme Court’s decision in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), which speaks for itself, and require no responses. To the extent responses are required, ADMIT that *Reed* contains the text quoted in these paragraphs, but DENY that PAG’s characterizations and presentation of selected portions of the opinion sets

forth completely and accurately the Supreme Court's stated reasons for its decision. DENY that the regulation invalidated in *Reed* was similar to the name identification requirement PAG challenges and otherwise DENY the remaining allegations in these paragraphs.

69. DENY.

70. DENY.

### PRAYER FOR RELIEF

1-5. The Court should deny plaintiff's requested relief.

Respectfully submitted,

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