



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of)
) MURs 6722 & 6723
House Majority PAC, et al.)
)

**STATEMENT OF REASONS
OF VICE CHAIR ANN M. RAVEL, COMMISSIONER STEVEN T. WALTHER, AND
COMMISSIONER ELLEN L. WEINTRAUB**

The complaints in these two matters alleged that House Majority PAC unlawfully coordinated an online thank you video with the campaigns of Representatives Raul Ruiz and Ami Bera. Our Office of General Counsel recommended that we find no reason to believe that a violation of the law occurred because the video does not satisfy the content prong of the Commission's regulations governing "coordinated communications."¹ We agreed that there was no reason to believe that a violation occurred with respect to the production and dissemination of the video referenced in the complaints.²

As two of us have stated in connection with prior matters,³ some activity that is plainly "coordination" under the statute is not squarely covered by the Commission's coordinated communications regulation. Under the Federal Election Campaign Act, expenditures which would otherwise be free from amount limitations – and restrictions on corporate contributions –

¹ First General Counsel's Report in MUR 6722/6723 (House Majority PAC, et al.), dated Aug. 6, 2013 ("FGCR"); see also 11 C.F.R. § 109.21.

² See Certification in MURs 6722 and 6723, dated Feb. 25, 2014. The Commission voted unanimously (6-0) to find no reason to believe that a violation occurred and to close the file. *Id.*

³ See Statement of Chair Cynthia L. Bauerly and Commissioner Ellen L. Weintraub in Advisory Opinion Request 2011-23 (American Crossroads), dated Dec. 1, 2011, available at http://www.fec.gov/members/weintraub/statements/AO_2011-23_American_Crossroads_CLB_ELW_Statement.pdf; accord Statement of Commissioner Steven T. Walther in Advisory Opinion Request 2011-23 (American Crossroads), dated Dec. 1, 2011, available at http://www.fec.gov/members/walther/statements/Walther_Statement_AO_2011-23_American_Crossroads.pdf; see also Statement of Reasons of Vice Chair Ellen L. Weintraub and Commissioners Cynthia L. Bauerly and Steven T. Walther in MUR 6502 (Nebraska Democratic Party, et al.), dated Aug. 15, 2012 ("Nebraska Democratic Party Statement"), available at <http://eqs.fec.gov/eqsdocs/MUR/12044320529.pdf>. While Vice Chair Ravel was not yet a member of the Commission when these matters were considered, the undersigned all agree that even though an ad may not be covered by the Commission's coordination regulations, it may still be a contribution under the Act.

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become in-kind contributions, subject to limits, when they are made "by any person in cooperation, consultation, or concert with, or at the request or suggestion of," a candidate, or an agent of her campaign.⁴ Contributions, by definition, include "any gift, subscription, loan, advance or deposit of money or anything of value made by any person *for the purpose of influencing any election for Federal office.*"⁵

Here, the video posted by House Majority PAC plainly was not "for the purpose of influencing" a Federal election. Most notably, the video was posted shortly *after* the 2012 election was over.⁶ Moreover, there is no information supporting the allegation that the video was intended to influence the 2014 election. The video does not advocate for any candidate; rather, it contains clips of Representatives Ruiz, Bera, and five of their colleagues *thanking House Majority PAC* for its efforts in helping them win their campaigns. Because this communication was not for the purpose of influencing the election, it cannot have been an in-kind contribution to the campaigns of Representatives Ruiz and Bera.

Accordingly, we voted to find no reason to believe that a violation had occurred with respect to the production and dissemination of the video referenced in the complaints.

4/3/14
Date

Ann M. Ravel
Ann M. Ravel
Vice Chair

4/4/14
Date

Steven T. Walther
Steven T. Walther
Commissioner

4/3/14
Date

Ellen L. Weintraub
Ellen L. Weintraub
Commissioner

⁴ 2 U.S.C. § 441a(a)(7)(B).

⁵ 2 U.S.C. § 431(8)(A)(i) (emphasis added).

⁶ The videos were posted on January 29, 2013, 85 days after the election. See FGCR at 2 n.2.

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