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OFFICE OF GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

Lisa Stevenson
Deputy General Counsel
Federal Election Commission
999 E Street NW
Washington, D.C. 20463

RE: Advisory Opinion Request of Freshman Hold'em JFC

Dear Ms. Stevenson:

Pursuant to 2 U.S.C. § 437(f), *Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee*, a joint fundraising committee with cyclically fluctuating members, requests an Advisory Opinion from the Federal Election Commission ("Commission") regarding the information it must provide on certain disclaimers.

I. INTRODUCTION

The Commission requires joint fundraising committees ("JFCs") to adhere to disclaimer requirements of 11 C.F.R. § 110.11(b) on certain communications. Although Appendix B of the Campaign Guide for Political Party Committees spells out requirements for Joint Fundraising Notices,¹ the guidelines for disclaimers are less clear.

Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee would like to use the name by which it is commonly known and referred to (its "go-by name"), "Freshman Hold'em JFC," and its URL, www.FreshmanHoldem.com, in its disclaimer on emails, web pages, and printed materials. *Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee* seeks guidance on whether providing this information will meet the Commission's requirement of giving adequate public notice of *Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for*

¹ FED. ELECTION COMM'N, POLITICAL PARTY COMMITTEES Appendix B (2009), available at <http://www.fec.gov/info/PartyGuide/AppendixB.htm> (JFCs must include names of all participants, allocation formula, statement allowing participant designation, and statement that allocation formula may change).

Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jun Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee's identity.²

Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee's membership changes at least cyclically. It currently includes 18 members and previously included 30 members. The quantity of its members makes it unnecessarily burdensome and impracticable for Freshman Hold'em JFC to list each member on all communications requiring disclaimers.

II. QUESTION PRESENTED

1. *May Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Meehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee use its go-by name, "Freshman Hold'em JFC," and its URL, www.FreshmanHoldem.com, which links to the complete Joint Fundraising Notice, in disclaimer notifications in lieu of its full name?*

III. DISCUSSION

The Commission does not require a disclaimer "when it cannot be conveniently printed" or "when its display is not practicable." 11 C.F.R. § 110.11(f). The purpose of the disclaimer requirement is to provide a reader with notice of the organization communicating the message. To that end, the Commission has repeatedly allowed separate segregated funds ("SSFs") to use abbreviations or acronyms that the public can clearly recognize and connect with the organization. 11 C.F.R. § 102.14(c).

In Advisory Opinion 2007-15, the Commission allowed an SSF, GMAC LLC PAC, to use "GMAC PAC" as an abbreviation, noting that the name was a "clearly recognized abbreviation or acronym by which the connected organization is commonly known." 11 C.F.R. § 102.14(c). The commission looked at "whether [specific terms or names] give adequate notice to the public as to the identity and sponsorship of the SSF." Advisory Opinion 2007-15 (citing Advisory Opinions 2004-04 (AirPAC), 2000-34 n.4 (SAPPI Paper), 1987-26 (Principal Mutual), and 1980-23 (ADEPT)). The Commission concluded that the name "GMAC PAC" adequately reflected the SSF's organization to the public.

² See 11 C.F.R. § 110.11(c) (1011) ("A disclaimer required by paragraph (a) of this section must be presented in a clear and conspicuous manner, to give the reader, observer, or listener adequate notice of the identity of the person or political committee that paid for and, where required, that authorized the communication.").

Similarly, the Commission allowed the SSF Air Transport Association of America, Inc. ("ATA") to identify itself as "AirPAC." Advisory Opinion, 2004-04 (AirPAC). At the time of the advisory opinion, the ATA's membership included American Airlines, Continental Airlines, Northwest Airlines, and United Airlines, as well as UPS Airlines and the FedEx Corporation. The Commission correctly reasoned that "AirPAC" would provide "adequate notice to the public as to identity and sponsorship of this particular committee, provided that the Committee publicly identifies itself as 'AirPAC' in the future so that 'AirPAC' becomes the name by which the committee is commonly known." *Id.* Additionally, the Commission determined that, although "AirPAC" would only use the first word of the SSF name, it was the most important word in the organization's full name and provided the public "sufficient information as to the identity of the industry trade association that sponsors the Committee." *Id.*

Freshman Hold'em, Stutzman for Congress, Gardner for Congress 2012, Tom Reed for Congress, Denham for Congress, Benishek for Congress, Inc., Rodney for Congress, Duffy for Congress, Chris Gibson for Congress, Friends of Joe Heck, Friends of Dave Joyce, Pat Muehan for Congress, Scott Rigell for Congress, Rothfus for Congress, Jon Runyan for Congress, Inc., VoteTipton.com, Valadao for Congress, and Walorski for Congress Inc. Joint Fundraising Committee is eligible to use its go-by name, "Freshman Hold'em JFC," and URL on disclaimers, instead of its full name. The Committee's full name "cannot be conveniently" printed, and its "display" is "not practicable," due to its length. 11 C.F.R. [sec] 110.11(f). The name would occupy an inordinate amount of space on the Committee's materials, and is extremely difficult to include on smaller items. Requiring the Committee to include its full name on disclaimers therefore would be unduly burdensome.

The name Freshman Hold'em JFC is a "clearly recognized abbreviation" by which this entity "is commonly known," and it "give[s] to the public as to [the Committee's] identity and sponsorship." AO 2007-15; *see also* AO 2004-04. Additionally, the Committee's URL would give the public complete access to information about Freshman Hold'em JFC and its members, as well as the complete joint fundraising notice. Allowing Freshman Hold'em JFC to include its go-by name and URL on disclosures, rather than its full name, is therefore consistent with FEC regulations and precedents, and would more clearly and conveniently disclose the necessary information to the public.

IV. CONCLUSION

In keeping with the advisory opinions on SSFs GMAC PAC and AirPAC, and for the foregoing reasons, the FEC should allow the JFC to use its go-by name and URL in communications.

Respectfully Submitted,



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