

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

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THE TEA PARTY LEADERSHIP	)	
FUND, <i>et al.</i> ,	)	
	)	Civ. No. 12-1707 (RWR)
Plaintiffs,	)	
	)	
v.	)	
	)	
FEDERAL ELECTION COMMISSION,	)	ANSWER
	)	
Defendant.	)	
	)	

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**DEFENDANT FEDERAL ELECTION COMMISSION'S ANSWER TO PLAINTIFFS'  
VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendant Federal Election Commission (“Commission”) submits this answer to plaintiffs’ complaint (Docket No. 1). Any allegation not specifically responded to below is DENIED. The Commission responds as follows to the numbered paragraphs of the complaint:

1. The first two sentences of this paragraph are statements of law to which no response is required. To the extent a response is required: Deny that the first two sentences of this paragraph are accurate statements of law. The Commission is without knowledge or information sufficient to admit or deny the third sentence of this paragraph.
2. Admit that plaintiff Tea Party Leadership Fund (“TPLF”) filed a Statement of Organization with the Commission on May 9, 2012; that TPLF was registered with the Commission for six months as of November 9, 2012; and that November 9, 2012, was three days after the November 6 general election. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph. Footnote 1 is a statement of law to which no response is required. To the extent a response is required: Deny that footnote 1 is as an accurate statement of law.

3. Admit the first sentence of this paragraph. The Commission is without knowledge or information sufficient to admit or deny the second sentence of this paragraph.
4. Admit the first sentence of this paragraph. The Commission is without knowledge or information sufficient to admit or deny the second sentence of this paragraph.
5. Admit that TPLF has contributed \$2,500 each to plaintiffs Raese and Bielat. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.
6. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes, with alterations to the original text, a portion of the Federal Election Campaign Act Amendments of 1974 (“FECA Amendments of 1974”).
7. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph summarizes certain provisions of the FECA Amendments of 1974, but deny that the description of the aggregate contribution limit is an accurate statement of law.
8. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that the Supreme Court reviewed the constitutionality of the six-month registration requirement for multicandidate political committees in *Buckley v. Valeo*, which was decided in 1976, and that this paragraph quotes, with alterations to the original text, a portion of the Supreme Court’s opinion in that case.
9. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes, with alterations to the original text, a portion of the Supreme Court’s opinion in *Buckley v. Valeo*, but deny that

plaintiffs' characterization of the Supreme Court's holding in that case is an accurate statement of law.

10. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny that the first two sentences of this paragraph are accurate statements of law and admit the third sentence of this paragraph.
11. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny that the first two sentences of this paragraph are accurate statements of law and admit that the parenthetical at the end of this paragraph paraphrases the affiliation rule codified at 2 U.S.C. § 441a(a)(5).
12. Deny.
13. Deny.
14. Admit that the Commission issued an advisory opinion concluding that FECA prohibited TPLF, at the time of its advisory opinion request, from making contributions to federal candidates in amounts greater than \$2,500. Deny plaintiffs' characterization of the Commission's advisory opinion.
15. The Commission is without knowledge or information sufficient to admit or deny the allegation in this paragraph.
16. Deny.
17. Deny.
18. Deny that this Court has jurisdiction over this case to the extent plaintiffs' claims are moot. Deny that the Declaratory Judgment Act conveys jurisdiction over this case.
19. Admit.

20. This paragraph repeats the allegations of paragraph 2, and the Commission therefore incorporates by reference its response to that paragraph.

21. Admit.

22. Admit, except deny that plaintiff Bielat was a “challenger” for this seat.

23. Admit that the Commission is charged with civil enforcement of the Federal Election Campaign Act and is located in Washington, DC.

24-27. These paragraphs repeat the allegations of paragraph 2-5, respectively, and the Commission therefore incorporates by reference its responses to those paragraphs.

28. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes a portion of the Supreme Court’s opinion in *Buckley v. Valeo*, but deny that plaintiffs’ characterization of that opinion is an accurate statement of law.

29. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes a portion of the Supreme Court’s opinion in *NAACP v. Alabama ex rel. Patterson*, but deny that plaintiffs’ characterization of that opinion is an accurate statement of law.

30-35. These paragraphs repeat the allegations of paragraphs 6-11, respectively, and the Commission therefore incorporates by reference its responses to those paragraphs.

36. Deny that this paragraph’s hypothetical scenario accurately reflects the law in effect in 1976.

37. Deny that this paragraph’s hypothetical scenario accurately reflects the law in effect in 1977. Deny the last sentence of the paragraph.

38. This paragraph repeats the allegations of paragraph 12, and the Commission therefore incorporates by reference its response to that paragraph.
39. This paragraph repeats the allegations of paragraph 13, and the Commission therefore incorporates by reference its response to that paragraph.
40. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes, with alterations to the original text, portions of the cited court decisions, but deny that plaintiffs' characterizations of those decisions are accurate statements of law.
41. Deny.
42. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that the second sentence of this paragraph quotes a portion of the Supreme Court's decision in *Bantam Books, Inc. v. Sullivan*, but deny that plaintiffs' characterization of that decision in the first sentence of this paragraph is an accurate statement of law. Deny the third sentence of this paragraph, except admit that a political committee is not required to obtain a permit or license.
43. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes a portion of the Supreme Court's decision in *Thomas v. Collins*, but deny that the remainder of this paragraph is an accurate statement of law.
44. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes a portion of the Supreme Court's decision in *Watchtower Bible & Tract Society of New York, Inc. v. Village of Stratton*, but deny that plaintiffs' characterization of that decision is an accurate statement of law.

45. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny that this paragraph is an accurate statement of law.

46. Deny the first sentence of this paragraph. The Commission is without knowledge or information sufficient to admit or deny the second sentence of this paragraph.

47. Deny.

48. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny that this paragraph is an accurate statement of law.

49. This paragraph is a statement of law to which no response is required. To the extent a response is required: Admit that this paragraph quotes, with alterations to the original text, a portion of the Supreme Court's decision in *Davis v. FEC*, but deny the remainder of this paragraph.

50. Deny.

51. Admit.

52. Admit.

53. Admit that the Commission's Office of General Counsel submitted to the Commission a draft advisory opinion on October 3, 2012. Deny plaintiffs' characterization of the draft advisory opinion.

54. Admit, except deny that the Commission "resolved" a particular way to "handle" plaintiffs' advisory opinion request.

55. Admit that the Commission's Secretary certified the Commission's vote on plaintiffs' advisory opinion request on October 10, 2012. Deny plaintiffs' characterization of the certification.

56. This paragraph is a statement of law to which no response is required. To the extent a response is required: Deny that this paragraph is an accurate statement of law.

57. Deny.

58. Admit that plaintiffs filed an advisory opinion request less than 60 days before the November 2012 election. Deny the remainder of this paragraph.

59. The Commission is without knowledge or information sufficient to admit or deny the first sentence of this paragraph. Deny the remainder of this paragraph, except admit that “TPLF was free to endorse its preferred candidates.”

60. The Commission is without knowledge or information sufficient to admit or deny the first sentence of this paragraph. Deny the remainder of this paragraph.

61. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

62. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

63. Deny.

64. Deny that 2 U.S.C. § 441a(a)(1)(C) imposes a \$2,500 contribution limit. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

65. Deny that 2 U.S.C. § 441a(a)(1)(C) imposes a \$2,500 contribution limit. The Commission is without knowledge or information sufficient to admit or deny the remainder of this paragraph.

66. The Commission incorporates by reference its answers to the preceding paragraphs.

67. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

68. Deny.

69. Deny.

70. Deny.

71. The Commission incorporates by reference its answers to the preceding paragraphs.

72. The Commission is without knowledge or information sufficient to admit or deny the first sentence of this paragraph. Deny the second sentence of this paragraph generally; specifically deny that 2 U.S.C. § 441a(a)(1)(C) imposes a \$2,500 contribution limit.

73. The Commission is without knowledge or information sufficient to admit or deny this paragraph.

74. Deny.

75. Deny.

76. Deny.

**PRAYER FOR RELIEF**

77-87. Plaintiffs are not entitled to the relief requested, or to any other relief.

**AFFIRMATIVE DEFENSES**

1. The complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' claims are moot.

Respectfully submitted,

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