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**RECEIVED**

By OGC/CELA at 4:31 pm, Oct 04, 2023

October 4, 2023

Trace Keeys  
 Office of Complaints Examination &  
 Legal Administration  
 Federal Election Commission  
 1050 First Street NE  
 Washington, DC 20463  
**VIA E-MAIL: [cela@fec.gov](mailto:cela@fec.gov)**

**Re: MUR 8110: Response for RightOn Time**

I write on behalf of RightOn Time (“ROT”), an independent expenditure-only committee that was formally terminated on December 13, 2022, and Paul Kilgore, in his official capacity as Treasurer, in response to a complaint alleging that RightOn Issues (“ROI”), a nonprofit corporation organized under Section 501(c)(4) of the Internal Revenue Code, acted as a conduit for anonymous donors to “direct” \$120,000 to ROT “to influence the United States Senate elections in Georgia in 2020.” The Complainants’ allegations, as applied to ROT, are meritless, as ROT had no knowledge, nor any reason to believe, that ROI’s contribution was made on behalf of anyone other than ROI. Therefore, we respectfully request that the Federal Election Commission (“FEC” or “Commission”) immediately find no reason-to-believe and dismiss this matter.

Under the Federal Election Campaign Act of 1971, as amended (“FECA” or “the Act”), “[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution and no person shall *knowingly* accept a contribution made by one person in the name of another person.”<sup>1</sup> As such, in order for the Commission to find reason-to-believe against ROT, the Complaint must provide evidence to show that ROT accepted contributions from ROI that ROT not only *knew* were from other donors, but also *knew* that such donors intended contributions to be earmarked through ROI.

The Complainants provide no such evidence. Instead, the Complainants try to imply that ROT violated FECA based on irrelevant timelines<sup>2</sup> and personal opinion.<sup>3</sup> However, the Complainants fail to

<sup>1</sup> 52 U.S.C. § 30122.

<sup>2</sup> Compl. at ¶ 25. The Commission has made clear that “weak circumstantial evidence” such as “suspicious timing standing alone” is insufficient to justify a reason to believe finding. *See* MUR 5732 (Matt Brown for U.S. Senate), Statement of Reasons of Vice Chairman David G. Mason (May 10, 2007) (noting that “[t]he Commission has rejected investigating allegations of earmarking unsupported by evidence or where only weak circumstantial evidence existed...suspicious timing alone, without any indication in the record that contributors directed, controlled, or took action to earmark their contributions, was insufficient to find reason to believe a violation occurred...”).

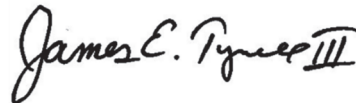
<sup>3</sup> *See generally* Compl. (“Given the complete reliance of RightOn Time on RightOn Issues’s contributions and RightOn Time’s support for an executive of RightOn Issues, there is reason to believe the super PAC knew the true source of the

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provide evidence on the most critical component of the relevant law—evidence that ROT *knowingly* accepted a contribution in the name of another. The reason they cannot provide such evidence is because ROT had no knowledge or reason to believe that ROI's contribution was from anyone other than ROI. As the attached declaration from ROT's treasurer, Paul Kilgore, makes clear, there were no facts that would have given rise to any suspicion or concern from Mr. Kilgore that ROI's contribution was from anyone or any entity other than ROI.<sup>4</sup> Accordingly, there is no reason to believe any violation occurred.

This Complaint is just another template complaint that is submitted against individuals and organizations regardless of the actual facts at issue. However, the Complainants fail to provide any facts or evidence that are material to finding reason to believe that a violation occurred. Here, the Complainants provide no evidence to support their assertion that ROT *knowingly* accepted a contribution from ROI that ROT *knew* to be from other individuals or entities and earmarked through ROI. As Members of the Commission wisely stated, “[reason-to-believe]... is no rubber stamp”<sup>5</sup>—complaints based on mere speculation or conclusory statements have not, and should not, be the basis for an investigation.<sup>6</sup> Therefore, we ask the Commission to find no reason-to-believe and close the file on this matter.

Respectfully submitted,



James E. Tyrrell III  
*Counsel to RightOn Time and Paul Kilgore,  
 in his official capacity as Treasurer*

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contribution, but knowingly accepted the contribution in the name of another and failed to disclose the true source of the contribution, in violation of 52 U.S.C. §§ 30104, 30122 and 11 C.F.R. §§ 104.1, 104.2, 104.3, 104.8, 110.4(b).” Compl. ¶88).

<sup>4</sup> See Declaration of Paul Kilgore, attached as Exhibit A.

<sup>5</sup> Statement of Reasons by Vice Chairman Allen Dickerson and Commission James “Trey” Trainor III at 3, MURs 7427, 7497, 7524, 7553, 7560, 7621, 7654, 7660 and 7558 (NRA, *et. al*).

<sup>6</sup> *Id.*; see also Statement of Reasons of Comm’rs Mason, Sandstrom, Smith, and Thomas at 1, MUR 4960 (Clinton) at 1-2, (Dec. 21, 2000) (“The Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of [the Federal Election Campaign Act (“FECA” or “Act”), as subsequently amended].”); First General Counsel’s Report at 5, MUR 5467 (Michael Moore) (“[p]urely speculative charges, especially when accompanied by a direct refutation, do not form an adequate basis to find a reason to believe that a violation of the FECA has occurred.”).

**Exhibit A****BEFORE THE FEDERAL ELECTION COMMISSION**

Declaration of )  
 ) MUR 8110  
 Paul Kilgore )  
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**DECLARATION OF PAUL KILGORE**

I, Paul Kilgore, of lawful age and a resident of the State of Georgia, do hereby declare:

1. I am the CEO of Professional Data Services, Inc. (“PDS”), an Athens, GA-based political compliance firm that I founded in 1998.
2. I am a professional compliance vendor for political committees, candidates and other entities with filing obligations before the Federal Election Commission (“FEC”).
3. I have represented hundreds of committees reporting to the FEC since 1994.
4. I served as Treasurer of RightOn Time (“ROT”), a now-terminated Independent Expenditure-Only Committee.
5. Since the Supreme Court’s decision in *Citizens United v. FEC* in 2010, I have served as treasurer for multiple Independent Expenditure-Only committees registered with the FEC (IE-Only Committees).
6. In the entire period since 2010, I have prepared and filed the required FEC reports of receipts and disbursements for numerous IE-Only Committees as specified in federal law.
7. Because *Citizens United* permits corporations and other entities to make contributions to IE-Only Committees, I have consistently reported the source of the contributions as the entity from whose bank account the contribution is drawn.
8. I reported the contribution to ROT from RightOn Issues (“ROI”) in the same manner as for all contributions to IE-Only Committees; namely, I reported the donor as the entity identified on the bank account from which the contributions were drawn.
9. I had no reason to believe that the contribution from ROI was from any sources other than ROI and it is my belief, based on my experience, that the manner of reporting of the contribution from ROI to ROT was accurate and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4 th day of October, 2023.




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Paul Kilgore