

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

October 6, 2023

RECEIVED

By OGC/CELA at 1:11 pm, Oct 06, 2023

Wanda D. Brown
Acting Assistant General Counsel
Federal Election Commission
Complaints Examination &
Legal Administration
1050 First Street, NE
Washington, DC 20463

Re: Response of Laxalt for Senate to MUR 8146

Dear Ms. Brown:

This response is submitted by undersigned counsel on behalf of Laxalt for Senate and its treasurer, Cameron Phillips, in his capacity as treasurer for Laxalt for Senate (collectively “Respondents”). The Complaint alleges that ECN Capital Corporation and certain of its subsidiaries violated the foreign national contribution prohibition. The Complainant does not identify Laxalt for Senate as a Respondent and does not allege any violation of the Federal Election Campaign Act (the “Act”) by Laxalt for Senate.

Exhibit J of the Complaint notes a \$2,900 contribution made to Laxalt for Senate on March 7, 2022. (Laxalt for Senate is not otherwise mentioned in the Complaint.) As reflected on Laxalt for Senate’s quarterly report,¹ this contribution was made by Michael Lepore. Mr. Lepore provided an address in Palm Beach Gardens, Florida, and listed his occupation as an Accountant and his employer as ECN Capital. This contribution was received through Anedot, and Anedot’s user interface clearly disclaims that contributions from foreign nationals are prohibited, and, to make a contribution through Anedot, the donor must make the FEC’s required affirmation that, among other things, the donor is a U.S. citizen or an individual who is lawfully admitted for permanent residence.²

With respect to the contribution at issue, all required information was provided by the donor, the donor was made aware of the Act’s contribution prohibitions, and the donor made the required affirmations. Laxalt for Senate therefore satisfied its obligations under 11 C.F.R. § 103.3(b) and nothing on the face of the contribution suggests that it was a contribution from a foreign national. Accordingly, Laxalt for Senate had no reason to believe this contribution was in any way improper or impermissible.

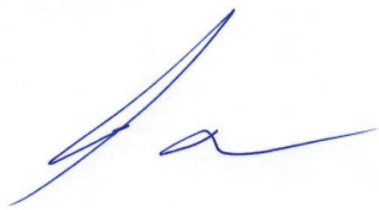
As noted above, the Complaint does not allege any violation of the Act by Laxalt for Senate. Laxalt for Senate did not at the time, and does not currently, have any direct or specific evidence or knowledge that the contribution at issue was made by a foreign national.

¹ See Laxalt for Senate, April 2022 Quarterly Report (Amended), <https://docquery.fec.gov/cgi-bin/fecimg/?202207159521837057>.

² See Affidavit of Cameron Phillips, attached.

For the reasons set forth above, the Commission should dismiss this matter as to Laxalt for Senate and take no further action.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Torchinsky', with a stylized flourish at the end.

Jason Torchinsky
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
Counsel for Laxalt for Senate

AFFIDAVIT OF CAMERON PHILLIPS
(28 U.S.C. § 1746)

Cameron Phillips declares under penalty of perjury:

1. My name is Cameron Phillips. I have served as the treasurer of Laxalt for Senate, a federal principal campaign committee for candidate Adam Laxalt, since August 15, 2021.
2. During the 2021-22 election cycle, Laxalt for Senate utilized Anedot webpages as one of several methods for collecting online contributions.
3. Laxalt for Senate's Anedot webpage included the following warning that was visible to any individual who attempted to make a contribution through the page: "Contributions from corporations, foreign nationals and foreign government contractors are prohibited."
4. Furthermore, before an individual completed a donation through Laxalt for Senate's Anedot webpage, they were required to affirm the following statements:

BY CLICKING DONATE I AFFIRM THAT THE FOLLOWING STATEMENTS ARE TRUE AND ACCURATE:

I am a United States citizen or a permanent resident alien.

This contribution is made from my own funds with a personal credit card, and not with a corporate credit card or funds provided to me by another person.

This contribution is not made from the treasury of an entity or person who is a federal contractor.


If this is represented as a joint contribution, both names appear in the first name field and this is a mutually agreed upon joint contribution by both contributors drawn from our joint account.

The funds I am donating are not being provided to me by another person or entity for the purpose of making this contribution.

5. The \$2,900.00 contribution from Michael Lepore that was received by Laxalt for Senate on March 7, 2022 was made through Anedot.

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

Affiant's Signature:


Cameron Phillips

Executed on October 3, 2023