



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**JUL 11 2014**

Allan J. Reich  
Seyfarth Shaw LLP  
131 South Dearborn Street  
Suite 2400  
Chicago, Illinois 60603

RE: MUR 6734  
Michael Keiser

Dear Mr. Reich:

On May 14, 2013, the Federal Election Commission notified your client, Michael Keiser, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your client at that time.

Upon further review of this matter, including the recent Supreme Court decision in *FEC v. McCutcheon*, the Commission, on July 2, 2014, voted to dismiss this matter. The Factual and Legal Analysis, which explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1548.

Sincerely,

A handwritten signature in black ink that reads "Mark Allen".

Mark Allen  
Acting Assistant General Counsel

Enclosure: Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

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5 **RESPONDENTS:**

MUR: 6734

6	John Canning	Vincent Mai
7	Jeffrey Hurt	Prem Reddy
8	Donald Simms	Robert Beal
9	Susan Simms	Richard Uihlein
10	David Wallace	Philip Geier
11	Robert Reynolds	L. Scott Frantz
12	David Boies	John Cooney
13	Thomas Cushman	Elizabeth Wiskemann
14	Joe Murphy	Edward Donaghy
15	Thomas Fay	Michael Keiser
16	Thomas Girardi	John Roeser
17	Amy Goldman	Josephine Freede
18	John Harris	Don Scifres
19	David Herro	Timothy Travis
20	Carl A. Davis	William Smithburg
21	Kurt Wheeler	Alan Sieroty

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25 **I. INTRODUCTION**

26 This matter was generated by a complaint filed with the Federal Election Commission  
27 ("Commission") by Citizens for Responsibility and Ethics in Washington and Melanie Sloan  
28 ("CREW") and the Campaign Legal Center and Paul S. Ryan ("CLC") alleging that 32  
29 individuals violated 2 U.S.C. § 441a(a)(3)(A) and 11 C.F.R. § 110.5(b)(1)(i) by exceeding the  
30 \$42,600 aggregate biennial limit for contributions to candidate committees during the 2012  
31 election cycle.

32 **II. FACTUAL AND LEGAL ANALYSIS**

33 The Act and Commission regulations set biennial limits on the aggregate amount that an  
34 individual may contribute to all authorized candidate committees during each two-year period  
35 beginning on January 1 of an odd-numbered year and ending on December 31 of the next even-  
36 numbered year. 2 U.S.C. § 441a(a)(3)(A); 11 C.F.R. § 110.5(b)(1)(i).

- 1           On April 2, 2014, the Supreme Court invalidated 2 U.S.C. § 441a(a)(3), holding that the
- 2   aggregate biennial contribution limits do not further the government's interest in preventing
- 3   actual or apparent *quid pro quo* corruption. *FEC v. McCutcheon*, 134 S. Ct. 1434 (2014).
- 4   Accordingly, we dismiss the complaint and close the file.

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