

**BEFORE THE
FEDERAL ELECTION COMMISSION**

American Democracy Legal Fund
455 Massachusetts Avenue, N.W.
Washington, DC 20001

Complainant,

MUR#6888

Republican National Committee
310 First Street, SE
Washington, DC 20003

American Crossroads
P.O. Box 34414
Washington, DC 20043

Crossroads GPS
P.O. Box 34413
Washington, DC 20043

Americans for Prosperity
2111 Wilson Blvd, Suite #350
Arlington, VA 22201

GOP Data Trust LLC
735 8th Street SE, Suite #200
Washington, DC 20003

i360, LLC
2300 Clarendon Blvd, Suite #800
Arlington, VA 22201

Arizona Republican Party
Timothy Lee, Treasurer
3501 North 24th Street
Phoenix, AZ 85016

Montana Republican State Central Committee
Debra Brown, Treasurer
PO Box 935
Helena, MT 59624

West Virginia Republican Party, Inc.
Michelle Wilshire, Treasurer
700 Washington Street - East Ste 201
Charleston, WV 25301

Andrew Walter
Andrew Walter for Congress
Chris Marston, Treasurer
PO Box 13321
Tempe, AZ 85284

Ben Sasse
Ben Sasse for US Senate Inc.
Mark Fahleson, Treasurer
105 East 6th Street
Fremont, NE 68025

Bob Goodlatte
Bob Goodlatte for Congress Committee
Kenneth Lorenz Prickitt, Treasurer
PO Box 292
Roanoke, VA 24002

Bobby Schilling
Bobby Schilling for Congress
Mitch Heckenkam, Treasurer
367 Avenue of the Cities - Suite D East
Moline, IL 61244

Carl DeMaio
Carl DeMaio for Congress
Paul Kilgore, Treasurer
PO Box 27227
San Diego, CA 92198

Elizabeth Cheney
Cheney for Wyoming
Mark Vincent, Treasurer
961 Recluse Ct
Casper, WY 82609

Tom Cotton
Cotton for Senate
Bradley Crate, Treasurer
PO Box 379
Dardanelle, AR 72834

Doug Ose
Doug Ose for Congress
Vona Copp, Treasurer
9321 Silverbend Lake
Elk Grove, CA 95624

Elise Stefanik Elise for Congress James
Morris, Treasurer
PO Box 338
Willsboro, NY 12996

Paul Dietzel
Friends of Dietzel
Brandon Lagarde, Treasurer
PO Box 286
Baton Rouge, LA 70821

Karen Handel Handel for Senate Inc.
Roger Santi, Treasurer
3970 Old Milton Parkway
Alpharetta, GA 30005

William Hurd
Hurd for Congress
Bradley Crate
PO Box 656
Helotes, TX 78023

Steve Lonigan
Lonigan for Senate Inc.
Scott B. Mackenzie, Treasurer
38 East Ridgewood Ave - Suite 181
Ridgewood, NJ 07450

Lynn Jenkins
Lynn Jenkins for Congress, Inc.
Heather Grote, Treasurer
PO Box 1441
Topeka, KS 66601

Matt Rosendale
Matt Rosendale for Montana
Bill Vancanagan, Treasurer
1954 Hwy. 16
Glendive, MT 59330

Mike McFadden
McFadden for Senate
Paul Kilgore, Treasurer
PO Box 4039
Saint Paul, MN 55104

Martha McSally
McSally for Congress
James Thomas III, Treasurer
PO Box 19128
Tucson, AZ 85731

Mike Turner
Mike Turner for Congress
Kyle Walton Denham, Treasurer
615 N. Hudson - Suite 320
Oklahoma City, OK 73102

Rob Wittman
Rob Wittman for Congress
Steve Ralls, Treasurer
PO Box 999
Montross, VA 22520

Matt Schultz
Schultz for Iowa
David Overholtzer, Treasurer
PO Box 3522
Urbandale, IA 50323

Scott Rigell
Scott Rigell for Congress
Joseph B. Wood, Jr., Treasurer
915 First Colonial Road - Suite 100
Virginia Beach, VA 23454

Steve Daines
Steve Daines for Montana
Lorna Kuney, Treasurer
PO Box 1598
Helena, MT 59624

Dan Sullivan
Sullivan for US Senate
Eric Campbell, Treasurer
3705 Arctic Blvd. #447
Anchorage, AK 99503

Tom Reed
Tom Reed for Congress
Marc Valerio, Treasurer
PO Box 10847
Rochester, NY 14610

Jeb Bush
Jeb 2016, Inc.
William Simon, Treasurer
PO Box 440669
Miami, FL 33144

1604430118
Scott Walker
Scott Walker, Inc.
Kate Lind, Treasurer
PO Box 620590
Middleton, WI 53562

Ted Cruz
Cruz for President
Bradley S. Knippa, Treasurer
PO Box 25376
Houston, TX 77265

Marco Rubio
Marco Rubio for President
Lisa Lisker, Treasurer
PO Box 558701
Miami, FL 33255-8701

Chris Christie
Chris Christie for President, Inc.
Ronald Gravino, Treasurer
PO Box 225
Colonia, NJ 07067-0225

Bobby Jindal
Jindal for President
Rolfe McCollister, Jr., Treasurer
PO Box 5101
Baton Rouge, LA 70821

Rick Perry
Perry for President, Inc.
Dr. Richard Box, Treas.
PO Box 162406 Austin, TX 78716

Rick Santorum
Santorum for President 2016
Greg Rothman, Treasurer
PO Box 238
Verona, PA 15147

Mike Huckabee
Huckabee for President, Inc.
Cale Turner, Treasurer
PO Box 3357
Little Rock, AR 72203

Ben Carson
Carson America
Logan D. Delany, Jr., Treasurer
1800 Diagonal Rd., Suite 140
Alexandria, VA 22314

Carly Fiorina
Carly for President
Joseph R. Schmuckler, Treasurer
1020 N. Fairfax St., Suite 200
Alexandria, VA 22314

NRSC
Keith A. Davis, Treasurer
425 2nd Street NE
Washington, DC 20002

Massachusetts Republican Party
Brent T. Andersen, Treasurer
85 Merrimac St., Suite 400
Boston, MA 02114

Pat Roberts
Pat Roberts for U.S. Senate
Richard A. Ball, Treasurer
PO Box 433
Great Bend, KS 67530

Lisa Murkowski
Lisa Murkowski for U.S. Senate
Catherin Straub, Treasurer
PO Box 100847
Anchorage, AK 99510

John Isakson Georgians for Isakson
Jon Anderson, Treasurer
PO Box 250116
Atlanta, GA 30325

Dr. Charles Boustany Jr.
Charles Boustany Jr. MD for Congress, Inc.
Alan D. Hebert, Treasurer
PO Box 80126
Lafayette, LA 70598-0216

Rob Portman
Portman for Senate Committee
Natalie K. Baur, Treasurer
9856 Archer Lane
Dublin, OH 43017-8914

Patrick Toomey
Friends of Pat Toomey
Lisa Lisker, Treasurer
228 S Washington St, Suite 115
Alexandria, VA 22314

Kelly Ayotte
Friends of Kelly Ayotte, Inc.
Theodore V. Koch, Treasurer
PO Box 937
Manchester, NH 03105-0937

Renee Ellmers
Renee Ellmers for Congress Committee
Al Lytton, Treasurer
PO Box 99567
Raleigh, NC 27624

Kevin Yoder
Yoder for Congress, Inc.
Donald Kaiser, Treasurer
PO Box 26742
Overland Park, KS 66225-6742

Kristi Noem Kristi for Congress
Ted Hustead, Treasurer
PO Box 852
Sioux Falls, SD 57101

Morgan Griffith
Morgan Griffith for Congress
John Selph, Treasurer
PO Box 361
Christiansburg, VA 24068

Alan Sanborn
Sanborn for Congress
Ralph Maccarone, Treasurer
PO Box 182004
Shelby Twp, MI 48318-2004

Freedom Partners Action Fund, Inc. Thomas F
Maxwell III, Treasurer 1515 Courthouse Rd,
Suite 620 Arlington, VA 22201
Respondents

**Reply of Co-Respondents Alan Sanborn, Sanborn for Congress Committee
and Ralph Maccarone, Treasurer**

1. On or about October 23, 2014 the American Democracy Legal Fund filed its Original Complaint before the Federal Election Commission.
2. Pursuant to procedures for processing complaints filed with the Federal Elections Commission said Complaint was assigned file number MUR #6888.
3. The Complaint, as originally filed was claimed to be pursuant to the provisions of 2 U.S.C. Section 437g (a) (1).
4. As filed, the Complaint was against the Republican National Committee, Anthony Parker, Treasurer; American Crossroads, Caleb Crosby, Treasurer; Crossroads Grassroots Policy Strategies; Americans for Prosperity; the GOP Data Trust LLC (hereinafter referred to as "Data Trust"); and i360, LLC.
5. A plain reading of that Complaint seeks to establish claims against the Republican National Committee, Republican Party, and others for:

"... illegal coordination through the Data Trust and i360, resulting in prohibitive and excessive contributions."

Reference Complaint page 11 at B.1. "Legal Analysis"

6. in addition, the complaint alleges:

"The RNC appears to receive excessive contributions in the form of in-kind data services from the Data Trust."

Reference Complaint page 15 at B.2. "Legal Analysis"

and,

"The RNC appears to illegally establish, finance, maintain, and/or control the Data Trust."

Reference Complaint page 17 at B.3. "Legal Analysis"

7. In its prayer for relief Complainant:

- a. Requests that the Federal Elections Commission investigate "these violations";
- b. any additional coordination between the RNC, Republican Party, Republican candidates, Americans Crossroads, Crossroads GPS, AFP and all other customers or subscribers to the Data Trust or i360;
- c. enjoining respondents from further violation of the act; and,
- d. assign the maximum fines permitted by law.

8. On or about November 3, 2014 the American Democracy Legal Fund filed its Supplemental Complaint in this matter.
9. There Complainant added additional parties to include Republican candidate committees using i360, LLC as a vendor.

10. The gist of the claim now made in Complainant's Supplemental Complaint is that,

"... Disbursements to i360 by the state party committees and candidate committees prove that i360 is serving as an "common vendor" for the committees and for outside groups that are required to remain independent of those committees."

Reference Supplemental Complaint page 8, paragraph 1

11. In its Supplemental Complaint, the Complainant requested investigation of,

"...these newly named respondents to determine their involvement in what now appears to be a massive scheme to flaunt the commissions and coordinated communications."

Reference Supplemental Complaint page 8, paragraph 1

12. On or about April 21, 2015, Alan Sanborn announced his candidacy in the 2016 primary election seeking Michigan's 10th Congressional District seat.

13. This Committee filing post-dated the Complaint and its first Supplemental filing neither of which Co-respondents had been aware of until receipt of a letter for the FEC dated September 9, 2015 enclosing a copy of the Second Supplement Complaint.¹

14. Subsequently the Sanborn for Congress Candidate Committee was formed with appropriate filings as required by law and books of account established naming Ralph Maccarone as its Campaign Committee Treasurer.

15. On or about May 1, 2015, i360, LLC ("i360") was hired as a vendor of Sanborn for Congress to provide that Committee material that are common to political campaigns at what at all times, were, and continue to be, market prices similar to like kind services offered by competitors.²

16. On or about August 28, 2015 the American Democracy Legal Fund filed a Second Supplemental Complaint.

17. It is in this Second Supplemental Complaint that Alan Sanborn, Sanborn for Congress, Ralph Maccarone, Treasurer, were named as additional respondents because of what appears to be the mere hiring of i360 for what by any standard, is an ordinary campaign related expense.

18. The gist of the Second Supplemental Complaint in its 'Conclusion' on its last (unnumbered) page appears to be (aside from naming additional candidates, committees and their treasurers) that:

"... The Data Trust, i360, and the other respondents have created the exact opposite of common vendor's safe harbor firewall: the (sic) have created a data sharing information superhighway between Republican candidates and the outside groups that they are prohibited from coordinating with."

Reference Second Supplemental Complaint last page 8, "Conclusion"

¹ Upon receipt of that mail Co-respondents requested and received a copy of the Complaint and its first supplement.

² Alan Sanborn is a former elected Michigan House of Representatives Member and State Senator. His prior campaigns were hallmarked by low-budget grassroots campaigning. A review the Sanborn for Congress financial records filed with the Federal Elections Commission will disclose that he continues this tradition in the management of this congressional campaign.

19. At all times as to Co-respondents dealings with i360, reasonable value was paid for materials ordinarily used in a political campaign, with no notice or specific knowledge of the origin of those materials which have been supplied in one-way communications solely from i360 to Respondent.
20. Nowhere in this Complaint, or any of its supplements, is it alleged that these Co-respondents have any knowledge of the manner used by i360 to collect any data to create any suspect materials.
21. Nowhere in this Complaint, or any of its supplements, is it alleged that these Co-respondents have participated with i360 with the collection of any data to create any suspect materials.
22. Nowhere in this Complaint, or any of its supplements, are these Co-respondents alleged to have performed any specific act contrary to law, nor has there been any factual basis set out that could be reasonably calculated to support such a claim.³
23. Co-respondents deny dispute each and every allegation of wrongdoing made by Complainant in its request for investigation as to them.
24. Taken as a whole, although unartfully pled, the general theory of this Complaint is that Data Trust and i360, obtained, exchanged, offered for sale and/or sold and circulated voter information in some 'discounted' exchange constituting unreported 'in-kind' contributions or otherwise conducted prohibited dealings in assembling and circulating prospective voter data.
25. Co-respondents have had absolutely nothing to do with any such dealings; and this Complaint makes no case against any of these Co-respondents.
26. If it is determined by the Commission that the manner and/or method of any third party's (e.g. Data Trust, i360, etc.) data that has been purchased by Co-respondent's is determined a prohibited subject matter, Co-respondents will, of course, comply by voluntarily ceasing to use it.
27. What this Complaint seems to want to do as to these Co-respondents is akin to making a customer who unwittingly purchases a troubled product thinking it to be reliable in good faith, liable for the product defect created by its manufacturer; and that flies in the face of the basic principles of American jurisprudence.
28. As Co-respondents have had no knowledge of, or participation in any part of any of the convoluted theories mentioned in this Complaint, as supplemented to date, their inclusion in this filing appears to be a matter of lazy addition by an overzealous American Democracy Legal Fund rather than good faith pleading by the Complainant with any factual basis suggesting a claim in fact.

Accordingly, the undersigned Co-respondents respectfully request a finding of no reason to believe the Complaint (as supplemented) sets forth a possible violation of the Federal Election Campaign Act of 1971 as to any of the Co-respondents and that this file be closed as to them.

³ The only mention of these Co-respondents by name is in the case caption of the Second Supplemental Complaint.

Respectfully Submitted,

/s/ Alan Sanborn
Alan Sanborn, individually as Candidate
and for Sanborn for Congress Committee

/s/ Ralph Macenrone
Ralph Macenrone, Treasurer
Sanborn for Congress Committee

Dated: October 12, 2015

16007410-10-24