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NAME OF COMMITTEE (In Full)
Everytown for Gun Safety Action Fund

FEC IDENTIFICATION NUMBER
C90015025

Mailing Address PO Box 4184

City	State	ZIP Code
New York	NY	10163

Vicki Davis
Senior Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, N.W. Washington, D.C. 20463

Re: Everytown for Gun Safety Action Fund (C90015025) July Quarterly Report (04/01/2016-06/30/2016)

Dear Ms. Davis:

This letter is submitted on behalf of Everytown for Gun Safety Action Fund, Inc. ('Everytown') in response to your August 29, 2016 request for additional information regarding Everytown's July 2016 quarterly report of independent expenditures. Your letter identifies two items requiring additional information, each of which is addressed in turn below:

1. Form 5, Schedule 5-E Election Designations

The specific expenditures at issue here were not identified in your request, but three expenditures were reported as supporting Hillary Rodham Clinton or opposing Donald Trump and were described as nationwide expenditures. Those expenditures were designated for the 2016 conventions.

Form 5 requires filers to identify 'the election for which the disbursement was made.' Form 5 Instructions at p. 3, available at <http://www.fec.gov/pdf/forms/fecfrm5i.pdf>. The FECA defines 'election' to mean 'a convention or caucus of a political party, which has authority to nominate a candidate.' 52 U.S.C. 30101(1)(B); 11 C.F.R. 100.2(e). As indicated on the report, all of these expenditures were for nationwide activities and not related to any specific remaining primary election. By identifying the 2016 conventions for the respective Clinton and Trump disbursements, Everytown properly identified the election for which the disbursements were made.

2. Form 5, Line 7 Contributions

Your letter cites two regulations on this issue: 11 C.F.R. 109.10(e)(1)(vi) (disclosure of certain donors) and 11 C.F.R. 114.10(f) (requiring 'qualified nonprofit corporations' to inform donors that donations may be used for political purposes).

114.10(f): This regulation applies only to qualified nonprofit corporations, which is a specially-defined term in the regulations, and contains a notice requirement. Given that this is a notice requirement, it is not clear as to why it forms the basis for a reporting RFAI. Moreover, that regulation was eliminated in the final revised regulations governing independent expenditures by corporations published by the Commission on October 21, 2014, effective January 27, 2015. See 79 Fed. Reg. 62797, 62819 (Oct. 21, 2014); 80 Fed. Reg. 12079 (March 6, 2014).

109.10(e)(1)(vi): This regulation requires disclosure of each person who makes contributions of over \$200 if the contribution was 'made for the purpose of furthering the reported independent expenditure[s].' Everytown did not solicit, accept, or otherwise receive any contributions from donors 'made for the purpose of furthering the reported independent expenditure[s].' See MUR 6002 (Freedom's Watch, Inc.), Statement of Reasons of Chairman Matthew S. Petersen and Commissioners Caroline C. Hunter and Donald F. McGahn, at 5 ('In other words, a donation must be itemized on a non-political committee's independent expenditure report only if such donation is made for the purpose of paying for the communication that is the subject of the report.'). Everytown did not make special solicitations to raise funds for these independent expenditures. Accordingly, no contributions were required to be disclosed on Everytown's report pursuant to the regulations cited in your request.

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Please feel free to contact me if you have any further questions.

Sincerely,
Margaret Rohlfing
202-344-4297
Counsel
Everytown for Gun Safety Action Fund, Inc.