



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BY EMAIL ONLY

steve@actblue.com

Steven Gold
General Counsel
366 Summer St.
Somerville, MA 02144

December 20, 2022

RE: MUR 7959
ActBlue, *et al.*

Dear Mr. Gold:

On February 15, 2022, the Federal Election Commission (“Commission”) notified your clients ActBlue and Erin Hill in her official capacity as treasurer of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On December 13, 2022, based on the information provided in the complaint, and information provided by you, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to ActBlue and Erin Hill in her official capacity as treasurer. The Commission then closed its file in this matter. A copy of the General Counsel’s Report, which more fully 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 Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Luckett

BY: Roy Q. Luckett
Acting Assistant General Counsel

Enclosure:
General Counsel’s Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7959

Respondent: ActBlue and Erin Hill in
her official capacity as
treasurer

Complaint Receipt Dates: February 8, 2022; February 28, 2022

Response Date: February 28, 2022

EPS Rating:

Alleged Statutory

52 U.S.C. § 30124(b);

Regulatory Violations:

11 C.F.R. § 110.16(b)

The Complaint alleges that ActBlue, a political committee that operates as an online fundraising platform, has engaged in credit card fraud by charging Complainant for hundreds of small contributions that he did not authorize.¹ The Complaint and Supplemental Complaint also state that ActBlue charged multiple transactions as “recurring” when Complainant intended the contributions to be singular transactions.²

The Response asserts that the Complaint does not allege any violation of the Act or Commission regulations.³ Specifically, ActBlue maintains that it processes only contributions authorized by the contributor.⁴ The Response states that Complainant has made many contributions through the ActBlue website over a number of years, and that there is no indication that the contributions were made without his authorization.⁵ Finally, the Response also states that ActBlue is

¹ Compl. at 1 (Feb. 8, 2022). The Complaint further asserts that Complainant was double charged for multiple unauthorized contributions to a recipient listed on his UBS credit card statement as “DONATETODEMS,” which the Complainant states is an entity unknown to him. *Id.*

² *Id.* at 2; Supp. Compl. at 1 (Feb. 28, 2022). Complainant further states that he filed a complaint with ActBlue directly regarding authorized recurring contributions and that since this complaint the recurring contributions have stopped. Supp. Compl. at 1.

³ Resp. at 1 (Feb. 28, 2022).

⁴ *Id.*

⁵ *Id.*

1 willing to review disputed contributions and offer refunds for unintended contributions, and is willing to
2 work with Complainant to resolve his concerns.⁶

3 Based on its experience and expertise, the Commission has established an Enforcement
4 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
5 assess whether particular matters warrant further administrative enforcement proceedings. These
6 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
7 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
8 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
9 potential violations and other developments in the law. This matter is rated as low priority for
10 Commission action after application of these pre-established criteria. Given that low rating, and the
11 low dollar amount involved, we recommend that the Commission dismiss the Complaint consistent
12 with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and
13 use of agency resources.⁷ We also recommend that the Commission close the file as to all
14 Respondents and send the appropriate letters.

15 Lisa J. Stevenson
16 Acting General Counsel
17

18 Charles Kitcher
19 Associate General Counsel

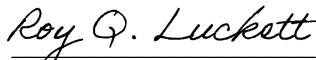
20 9/30/2022

21 _____
22 Date

23 BY:



24 Claudio J. Pavia
25 Deputy Associate General Counsel



26 Roy Q. Lockett
27 Acting Assistant General Counsel



28 Donald E. Campbell
29 Attorney
30
31

⁶ *Id.* at 2.

⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).