



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 01, 2017

Ms. Cleta Mitchell  
Foley & Lardner LLP  
3000 K Street, NW  
Suite 600  
Washington, DC 20007

Dear Ms. Mitchell:

On July 11, 2017, the Commission considered your Request for Legal Consideration on behalf of Friends of Mike Lee ("Committee") and voted to not accept the Office of General Counsel's recommendations. Instead, the Commission concluded that Friends of Mike Lee may retain the contributions designated for the primary and received before the party convention.

In Utah, the primary election and the party convention both have the authority to nominate a candidate and qualify as separate elections with separate fundraising limits. 52 U.S.C. § 3010(1)(A) and (B); 11 C.F.R. § 100.2(e). But contributions designated for an election that does not occur, or in which a person is not a candidate, must be refunded, redesignated for another election in which the candidate has participated or is participating, or reattributed to another contributor. 11 C.F.R. §§ 102.9(e)(3), 110.1(b)(5) and (k)(3). Utah cancelled the primary election.

The Commission, however, concluded that the Committee may retain the contributions designated for the primary election because of the unique facts in this case. The Commission determined that the Committee had no choice but to prepare for both the primary election and the party convention at the same time because of the short time frame between the party convention and the primary election. The subsequent cancellation of the primary election was out of the Committee's control. Even though the candidate did not have any opponents in the primary election, they still were required to spend money and campaign because they did not know at the time whether they would have any opponents.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa J. Stevenson". The signature is written over the word "Sincerely," and extends across the line.

Lisa J. Stevenson  
Acting General Counsel