



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 5, 2023

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for Enforcement

Adrienne Baranowicz
Deputy Associate General Counsel for Enforcement

BY: Anne B. Robinson
Assistant General Counsel *ABR by acb*

Jennifer Waldman *JW*
Attorney

SUBJECT: MUR 8107 (Mike Braun for Indiana) – Pre-Probable Cause Conciliation Second Counteroffer

I. INTRODUCTION

On January 24, 2023, the Commission found reason to believe that Mike Braun for Indiana and Thomas Datwyler in his official capacity as treasurer (the “Committee”) violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d)(4) by failing to accurately disclose loans totaling \$11,569,963 and authorized pre-probable cause conciliation.¹ On February 22, 2023, the Commission approved a Factual and Legal Analysis (“F&LA”)

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¹ Amended Certification (“Cert.”), ¶¶ 3.b., d. (Jan. 31, 2023).

² Cert., ¶¶ 1-2 (Feb. 23, 2023).

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III. RECOMMENDATION

1. Reject Mike Braun for Indiana's redlined counteroffer of 2023. dated July 25,

¹⁶ Reporting Policy at 2.

¹⁷ Although *Furgatch* also discusses a district court's need to consider a defendant's ability to pay a penalty, the Committee has never argued that it cannot pay the civil penalty we have requested; it just does not think it should have to do so.

¹⁸ *Id.* at 10.