

**FEDERAL ELECTION COMMISSION**

April 26, 2024

**Via Electronic Mail**

James C. Lamb  
Sandler, Reiff, Lamb, Rosenstein  
& Birkenstock P.C.  
1090 Vermont Avenue N.W.  
Suite 750  
Washington, D.C. 20005  
[Lamb@sandlerreiff.com](mailto:Lamb@sandlerreiff.com)

RE: MUR 8175 (formerly RR 23L-15)  
Straight Talk Politics PAC and  
Wesley Smith in his official capacity  
as treasurer

Dear Mr. Lamb:

On March 27, 2024, the Federal Election Commission (the "Commission") accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(g)(1) and 11 C.F.R. § 104.4(c), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act") and the Commission's regulations. Accordingly, the file has been closed in this matter, effective today.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1618.

Sincerely,

*Kimberly D. Hart*  
Kimberly D. Hart  
Attorney

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Straight Talk Politics PAC and Wesley Smith	)	MUR 8175
in his official capacity as treasurer	)	

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission (the "Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Straight Talk Politics PAC and Wesley Smith in his official capacity as treasurer ("Respondent" or the "Committee") violated 52 U.S.C. § 30104(g)(1) of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. § 104.4(c) of the Commission's regulations by failing to timely report independent expenditures aggregating \$1,000 or more made after the 20th day, but more than 24 hours before an election.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this Agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this Agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:

1. Straight Talk Politics PAC is a hybrid PAC with a non-contribution account that registered with the Commission on April 7, 2020.
  2. Wesley Smith is the Treasurer of Straight Talk Politics PAC.
  3. The Act and Commission regulations require political committees that make independent expenditures aggregating \$1,000 or more with respect to a given election after the 20th day, but more than 24 hours before the date of that election to file a 24-hour report to disclose such independent expenditures by 11:59 p.m. Eastern Standard/Daylight Time on the day following the date on which a communication is publicly distributed or otherwise publicly disseminated. 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 104.4(c).
  4. On November 28, 2022, the Committee filed a 24-Hour Report to support one independent expenditure, totaling \$525,000, that was disseminated on October 25, 2022, in opposition to then-candidate JD Vance in connection with the 2022 General Election held in the state of Ohio. On November 29, 2022, the Committee filed the Post-General Report that included a Schedule E (Itemized IE) disclosing two IEs, one of which was the \$525,000 IE for which a 24-Hour Report was filed on November 28, 2022.
  5. The independent expenditure was made after the 20th day, but more than 24 hours before the election, and the aggregate amounts with respect to each of the candidates were \$1,000 or more.
  6. The Committee did not file a 24-hour report for this independent expenditure by 11:59 p.m. Eastern Standard/Daylight Time on the day following the date on which the communication was publicly distributed or otherwise publicly disseminated.
- V. Respondent violated 52 U.S.C. § 30104(g)(1) and 11 C.F.R. § 104.4(c) by failing to file the required 24-hour report for an independent expenditure totaling \$525,000.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Thirty-Seven Thousand Seven Hundred Dollars (\$37,700), pursuant to 52 U.S.C.

§ 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30104(g)(1) and 11 C.F.R. § 104.4(c).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this Agreement. If the Commission believes that this Agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This Agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this Agreement becomes effective to comply with and implement the requirements contained in this Agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written Agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson

MUR 8175 (Straight Talk Politics PAC)  
Conciliation Agreement  
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Acting General Counsel

BY: Charles  
Kitcher Digitally signed by Charles Kitcher  
Date: 2024.03.29 11:46:43 -04'00'  
\_\_\_\_\_  
Charles Kitcher  
Associate General Counsel  
for Enforcement

3/29/24  
\_\_\_\_\_  
Date

FOR THE RESPONDENT:

  
\_\_\_\_\_  
James C. Lamb  
Counsel for Straight Talk Politics PAC

February 29, 2024  
\_\_\_\_\_  
Date