



FEDERAL ELECTION COMMISSION
Washington, DC 20463 February 2, 2021

March 3, 2021

TO: The Commission

FROM: Lisa J. Stevenson *LS / ms*
Acting General Counsel

Charles Kitcher *CK / ms*
Acting Associate General Counsel
for Enforcement

Mark Shonkwiler *MS*
Assistant General Counsel

Ana Peña-Wallace *APW*
Attorney

SUBJECT: MURs 6955 and 6983 (New Day for America)

RE: Office of General Counsel's Notice to the Commission
Following the Submission of Probable Cause Brief

I. INTRODUCTION

On November 25, 2020, the Office of General Counsel ("OGC") notified New Day for America and J. Matthew Yuskewich, in his official capacity as treasurer ("New Day" or "Respondents")¹ that it was prepared to recommend that the Commission find probable cause to believe that New Day: (1) violated 52 U.S.C. §§ 30116 and 30118(a) in connection with making impermissible and excessive contributions for John R. Kasich's testing-the-waters activities; and (2) violated 52 U.S.C. §§ 30116 and 30118(a) by making prohibited and excessive in-kind contributions to Kasich for America and J. Matthew Yuskewich in his official capacity as treasurer ("KFA") in the form of coordinated communications. OGC's notification included a General's Counsel's Brief setting forth the factual and legal basis for the recommendation. Respondent filed a response to the General Counsel's brief on January 30, 2020.²

¹ Ltr. to Respondents encl. General Counsel's Brief MURs 6955 and 6983 New Day for America (Nov.25, 2020).

² MURs 6955 and 6983 (New Day for America) Response to General Counsel's Brief ("Resp.") (Dec. 30, 2020).

MURs 6955 and 6983 (New Day for America)

Probable Cause Notice

Page 2 of 2

Pursuant to the *Agency Procedure Following the Submission of Probable Cause Briefs by the Office of General Counsel*, 76 Fed. Reg. 63,570 (Oct. 13, 2011), OGC is notifying the Commission that it intends to proceed with the recommendation to find probable cause to believe that Respondents violated the Federal Election Campaign Act of 1971, as amended, based on the factual and legal analysis set forth in the General Counsel's Brief.

A copy of this Notice is being provided to Respondent at the same time that it is circulated to the Commission.

II. RECOMMENDATIONS

1. Find probable cause to believe that New Day for America and J. Matthew Yuskewich, in his official capacity as treasurer, violated 52 U.S.C. §§ 30116 and 30118(a) and 11 C.F.R. §§ 100.72(a) by making prohibited and excessive in-kind contributions to John Kasich and Kasich for America in connection with funding testing-the-waters activities; and
2. Find probable cause to believe that New Day for America and J. Matthew Yuskewich, in his official capacity as treasurer, violated 52 U.S.C. §§ 30116 and 30118(a) by making prohibited and excessive in-kind contributions to John Kasich and Kasich for America in connection with coordinated communications.