



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 3, 2021

MEMORANDUM

TO: The Commission

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

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

BY: Mark Shonkwiler *MS*
Assistant General Counsel

Ana Peña-Wallace *APW*
Attorney

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

RE: Proposed Conciliation Agreement for Probable Cause Conciliation

Attached is a proposed conciliation agreement for probable cause conciliation with New Day for America and J. Matthew Yuskewich in his official capacity as treasurer ("New Day"). The proposed agreement is for the Commission's consideration along with the Office of General Counsel's Notice to the Commission Following the Submission of Probable Cause Brief in MURs 6955 and 6983 ("OGC Notice"), which is being submitted to the Commission simultaneously with this Memorandum.

The OGC Notice informs the Commission and the Respondents that this Office intends to proceed with the recommendation 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 prior to registering with the Commission as an independent expenditure-only political committee ("IEOPC"); 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.

MURs 6955 and 6983 (New Day for America)
Memorandum to Commission with Conciliation Agreement
Page 2 of 2

We recommend that the Commission approve the attached conciliation agreement.

RECOMMENDATIONS

1. Approve the attached conciliation agreement.
2. Approve the appropriate letter.