



FEDERAL ELECTION COMMISSION
 Washington, DC 20463 February 2, 2021

March 3, 2021

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 2 **TO:** The Commission
 3
 4 **FROM:** Lisa J. Stevenson *LS / ms*
 5 Acting General Counsel
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 7 Charles Kitcher *CK / ms*
 8 Acting Associate General Counsel
 9 for Enforcement
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 11 Mark Shonkwiler *MS*
 12 Assistant General Counsel
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 14 Ana Peña-Wallace *APW*
 15 Attorney
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 17 **SUBJECT:** MURs 6955 and 6983 (John R. Kasich and Kasich for America)
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 19 **RE:** Office of General Counsel's Notice to the Commission
 20 Following the Submission of Probable Cause Brief
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 23 **I. INTRODUCTION**

24 On November 25, 2020, the Office of General Counsel ("OGC") notified John R. Kasich
 25 and Kasich for America and J. Matthew Yuskewich, in his official capacity as treasurer
 26 ("KFA"), (collectively "Respondents")¹ that it was prepared to recommend that the Commission
 27 find probable cause to believe that (1) Kasich violated 52 U.S.C. §§ 30116(f) and 30118(a) and
 28 11 C.F.R. §§ 100.72(a) and 100.131(a) and KFA violated 52 U.S.C. §§ 30104(b), 30116(f), and
 29 30118(a) and 11 C.F.R. §§ 100.72 and 100.131, in connection with accepting and failing to
 30 report impermissible and excessive contributions from New Day for America ("New Day") for
 31 testing-the-waters activities; (2) Kasich violated 52 U.S.C. § 30102(e)(1) by failing to timely file
 32 his Statement of Candidacy; (3) Kasich and KFA violated 52 U.S.C. §§ 30116 and 30118(a) by
 33 accepting prohibited and excessive in-kind contributions in the form of coordinated
 34 communications from New Day; and (4) KFA violated 52 U.S.C. § 30104(b) by failing to
 35 disclose those contributions. OGC's notification included a General's Counsel's Brief setting

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

1 forth the factual and legal basis for the recommendation. Respondents filed a response to the
2 General Counsel’s Brief on January 30, 2020.²

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

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

12 **II. RECOMMENDATIONS**

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15 1. Find probable cause to believe that John R. Kasich and Kasich for America and J.
16 Matthew Yuskewich in his official capacity violated 52 U.S.C. §§ 30116(f),
17 30118(a) and 11 C.F.R. §§ 100.72(a) and 100.131(a) in connection with accepting
18 impermissible, excessive, and unreported contributions from New Day for
19 America for testing-the-waters activities;
- 20
21 2. Find probable cause to believe that John R. Kasich violated 52 U.S.C.
22 § 30102(e)(1) by failing to timely file his Statement of Candidacy;
- 23
24 3. Find probable cause to believe that John R. Kasich and Kasich for America and J.
25 Matthew Yuskewich in his official capacity accepted, prohibited and excessive in-
26 kind contributions in the form of coordinated communications from New Day for
27 America in violation of 52 U.S.C. §§ 30116 and 30118(a); and
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29 4. Find probable cause to believe that Kasich for America and J. Matthew
30 Yuskewich in his official capacity did not disclose contributions from New Day
31 for America in violation of 52 U.S.C. § 30104(b).

² MURs 6955 and 6983 (John R. Kasich and Kasich for America) Response to General Counsel’s Brief (“Resp.”) (Dec. 30, 2020).