



**FEDERAL ELECTION COMMISSION**  
 Washington, DC 20463 February 2, 2021

March 3, 2021

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

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

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

1 Pursuant to the *Agency Procedure Following the Submission of Probable Cause Briefs by*  
2 *the Office of General Counsel*, 76 Fed. Reg. 63,570 (Oct. 13, 2011), OGC is notifying the  
3 Commission that it intends to proceed with the recommendation to find probable cause to believe  
4 that Respondents violated the Federal Election Campaign Act of 1971, as amended, based on the  
5 factual and legal analysis set forth in the General Counsel's Brief.  
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7 A copy of this Notice is being provided to Respondent at the same time that it is  
8 circulated to the Commission.  
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## 10 **II. RECOMMENDATIONS**

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12 1. Find probable cause to believe that New Day for America and J. Matthew  
13 Yuskewich, in his official capacity as treasurer, violated 52 U.S.C. §§ 30116 and  
14 30118(a) and 11 C.F.R. §§ 100.72(a) by making prohibited and excessive in-kind  
15 contributions to John Kasich and Kasich for America in connection with funding  
16 testing-the-waters activities; and  
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- 18 2. Find probable cause to believe that New Day for America and J. Matthew  
19 Yuskewich, in his official capacity as treasurer, violated 52 U.S.C. §§ 30116 and  
20 30118(a) by making prohibited and excessive in-kind contributions to John  
21 Kasich and Kasich for America in connection with coordinated communications.