



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel for Enforcement

Stephen Gura
Deputy Associate General Counsel for Enforcement

BY: Mark Allen *MA*
Assistant General Counsel

Delbert K. Rigsby *DKR*
Attorney

SUBJECT: MUR 7347 (End Citizens United) – Pre-Probable Cause Conciliation
Counteroffer

On July 23, 2019, the Commission found reason to believe that End Citizens United (“ECU”) violated 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11(b) by failing to include the appropriate disclaimer in an email solicitation.¹

ECU’s response to the Commission’s reason to believe finding repeated its argument in its response to the Complaint that the disclaimer language used in the solicitation was appropriate because it was not a coordinated communication or an independent expenditure,

¹ Certification, MUR 7347 (Conor Lamb, *et al.*) (July 26, 2019).

1 citing MURs 6037 (Jeff Merkley for Oregon) and MUR 6044 (Ronnie Musgrove for Senate).³
2 The Commission’s Factual and Legal Analysis found both matters readily distinguishable.⁴
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³ ECU Resp. to Reason to Believe at 2 (Sept. 5, 2019); ECU Resp. to the Complaint at 2-3 (May 4, 2018).

⁴ Factual and Legal Analysis at 5, MUR 7347 (End Citizens United).

MUR 7347 (End Citizens United)
Memo to the Commission
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RECOMMENDATIONS:

1. Reject End Citizens United’s Redlined Conciliation Agreement dated January 21, 2020;
2. Approve the attached proposed conciliation agreement; and
3. Approve the appropriate letter.