



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Noah Bookbinder
Citizens for Responsibility and Ethics in Washington
1331 F St. NW, Suite 900
Washington, DC 20004

November 17, 2021

RE: MUR 7465
Freedom Vote, Inc., *et al.*

Dear Mr. Bookbinder,

This is in reference to the complaint you filed on behalf of Citizens for Responsibility and Ethics in Washington with the Federal Election Commission on August 9, 2018, alleging violations of the Federal Election Campaign Act of 1971, as amended (the “Act”), and Commission regulations by Freedom Vote, Inc., James S. Nathanson, Fighting for Ohio Fund and Christopher Marston in his official capacity as treasurer, and unnamed respondents.

On July 25, 2019, the Commission found that there was reason to believe that Freedom Vote, Inc., violated 52 U.S.C. §§ 30102, 30103, and 30104(a), (b), and (g)(2) by failing to organize, register, and report as a political committee. The Commission also found reason to believe that Freedom Vote, Inc., violated 52 U.S.C. § 30120(a), (d) and 11 C.F.R. § 110.11 by failing to include a disclaimer on its television advertisement, “Third Largest.” The Commission then commenced an investigation.

After the investigation was conducted, the Commission considered the General Counsel’s and Freedom Vote’s briefs on November 9, 2021, and there were an insufficient number of votes to find probable cause to believe that Freedom Vote violated 52 U.S.C. §§ 30102, 30103, and 30104(a), (b), and (g)(2). There was also an insufficient number of votes to dismiss the allegation that Freedom Vote violated 52 U.S.C. §§ 30102, 30103, and 30104(a), (b), and (g)(2), and to dismiss as a matter of prosecutorial discretion the allegation that Freedom Vote failed to file its 2016 Post-General and Year-End Reports. Accordingly, the Commission closed the file in this matter as to all respondents.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). A copy of the Factual and Legal Analysis which more fully explains the Commission’s reason-to-believe findings in this matter is enclosed for your information. A Statement of Reasons providing a basis for the Commission’s probable cause decision will follow.

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The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8). If you have any questions, please contact Justine di Giovanni, the attorney assigned to this matter, at (202) 694-1574 or jdigiovanni@fec.gov.

Sincerely,

A handwritten signature in black ink that reads "Jin Lee". The signature is written in a cursive, flowing style.

Jin Lee
Acting Assistant General Counsel

Enclosure:
Factual & Legal Analysis (Freedom Vote, Inc.)