BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

) ) MUR 7465

Freedom Vote, Inc.

SUPPLEMENTAL STATEMENT OF REASONS OF COMMISSIONER SEAN J. COOKSEY

In addition to the Statement of Reasons I joined in this matter with Chairman Dickerson and Commissioner Trainor,¹ I have previously explained my views on the statute of limitations and equitable remedies in a Supplemental Statement of Reasons in MURs 6917 & 6929 (Scott Walker, et al.) and MURs 6955 & 6983 (John R. Kasich, et al.).²

As detailed in that statement, I believe that mandating retrospective reporting and disclosure is a penalty subject to 18 U.S.C. § 2462’s limitations period, and that even if mandatory disclosure were not a penalty, any reporting requirement would still be barred under the concurrent-remedies doctrine. I applied the same reasoning to this matter and accordingly voted to dismiss the majority of the allegations pursuant to the expiration of the statute of limitations.³

As to the remaining conduct just outside of the five-year limitations period, I concluded that dismissal as a matter of prosecutorial discretion was appropriate considering the limited value of further enforcement relative to the costs to the agency and the low likelihood of success.⁴

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March 9, 2022

Sean J. Cooksey
Commissioner

¹ Statement of Reasons of Chairman Dickerson and Commissioners Cooksey and Trainor (March 7, 2022), MUR 7465 (Freedom Vote, Inc.).
³ Certification (Nov. 9, 2021), MUR 7465 (Freedom Vote, Inc.).