



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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



Sean J. Cooksey
Commissioner

March 9, 2022
Date

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

² Supplemental Statement of Reasons of Commissioner Sean J. Cooksey (April 29, 2021), MURs 6917 & 6929 (Scott Walker, *et al.*) and MURs 6955 & 6983 (John R. Kasich, *et al.*).

³ Certification (Nov. 9, 2021), MUR 7465 (Freedom Vote, Inc.).

⁴ *Heckler v. Chaney*, 470 U.S. 821, 831 (1985).