

From: [Justine di Giovanni](#)
To: [Commissioners Office](#)
Cc: [Lisa Stevenson](#); [Lawrence Calvert](#); [Adrienne Baranowicz](#); [James McGinley](#); [Ana Pena-Wallace](#); [Christopher H. Bell](#)
Subject: Remand in Crew v. FEC (MUR 7465R (Freedom Vote))
Date: Thursday, March 20, 2025 5:26:00 PM

Commissioners,

Given the remand in *Crew v. FEC* of MUR 7465 (Freedom Vote), we wanted to provide you with a summary of the underlying enforcement matter and the Enforcement Division's position on its prior recommendation to find probable cause, given circumstances now before the Commission.

When the matter closed, the remaining allegations were that Freedom Vote, an Ohio 501(c)(4) organization, had failed to register, organize, and report as a political committee. The Commission found reason to believe that such a violation had occurred, but following an investigation, the Commission was unable to garner sufficient votes to find probable cause and voted to close the file.

Freedom Vote dissolved in May 2019, and its last federal campaign activity occurred in 2016. While a political committee's obligation to file reports with the Commission is ongoing until the Commission permits its termination, Freedom Vote had no receipts or disbursements that would constitute an amount in violation for its failure to file reports after May 2019. Freedom Vote agreed to toll the statute of limitations for a total of 75 days; nonetheless, its receipts and disbursements are now outside the statute of limitations. [REDACTED]

However, equitable remedies remain available and are grounded in Commission precedent. MUR 6538R (Americans for Job Security) presented similar circumstances to those here, as the matter also involved the failure to organize, register, and report with the Commission by a then-defunct organization whose activity was entirely outside the statute of limitations. On remand in 2019, the Commission approved a conciliation agreement with no civil penalty that required AJS to report its receipts and disbursements between 2010 and 2012 to the best of its ability, given the amount of time that had elapsed between the relevant conduct and the agreement. There, as it would here, the requirement that AJS report its contributions and enumerate its expenditures vindicated the Commission's interest in disclosure, years after the activity at issue occurred.

For that reason, OGC recommends that the Commission:

1. Find probable cause to believe that Freedom Vote violated 52 U.S.C. §§ 30102, 30103, and 30104 by failing to organize, register, and report as a political committee with the Commission;

2. Approve the Conciliation Agreement circulated by the office of General Counsel on October 15, 2021, [REDACTED] and
3. Send the appropriate letter.

Please let us know if it would be helpful to discuss any of the above in advance of next week's Executive Session. Additionally, we want to inform the Commission that we notified counsel for Freedom Vote of the remand yesterday and will share any response we receive with the Commissioners promptly.

Regards,
Justine

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