



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
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Kansas Democratic Party) MURs 7556 and 7601
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STATEMENT OF REASONS OF COMMISSIONER ELLEN L. WEINTRAUB

In this matter, the Kansas Democratic Party, a state committee of the Democratic Party, violated the Federal Election Campaign Act of 1971 (the “Act”), as amended, and Commission regulations by misreporting nearly three million dollars in activity. Specifically, the Committee inaccurately reported debts, inaccurately reported its cash on hand, understated receipts and disbursements, and failed to itemize contributor information for contributions received from joint fundraisers.¹ I have written before about my concerns about the 2016 joint fundraising committees.² Unsurprisingly, a number of the participating state party committees made significant reporting errors.³

I did not approve the conciliation agreement in this case because these violations merited a higher penalty. The negotiated agreement requires the Kansas Democratic Party to pay a civil penalty of \$60,000 for the violations listed above, which totaled \$2,964,990.⁴ Civil penalties are based on the type of and amount in violation.⁵ Even taking into account the compliance measures undertaken by the committee, the penalty in this matter deviates from and is well below what the Commission would normally seek or accept.

As a result, I could not support the pre-probable cause conciliation agreement with such a disproportionately low penalty.⁶ Fair, proportionate, and consistent penalties are a key part of an enforcement program that supports the Commission’s important public disclosure mission and promotes voluntary compliance with the law. Inconsistent low-ball penalties such as the one at issue

¹ See generally KDP Agreement ¶ IV; 52 U.S.C. § 30104(b)(3)(A); 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d), 104.11(a); 52 U.S.C. § 30104(b)(1); 11 C.F.R. §§ 104.3(a)(1), 104.12.

² Statement of Reasons of Comm’r Ellen L. Weintraub, MURs 7304 & 7331 (Hillary Victory Fund, *et. al.*), MUR 7339 (Trump Victory, *et. al.*), https://eqs.fec.gov/eqsdocsMUR/7304_1.pdf.

³ See, e.g., Settlement Agreement in ADR 912 (North Dakota Republican Party), dated July 1, 2020; Settlement Agreement in ADR 913 (Mississippi Democratic Party), dated Sept. 6, 2019.

⁴ KDP Agreement ¶ IV, VI.

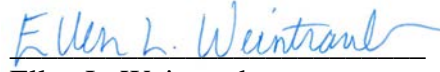
⁵ See 52 U.S.C. § 30109(a)(5)-(6).

⁶ See Certification in MURs 7556 & 7601, dated January 26, 2021. Vice Chair Dickerson and Commissioners Cooksey, Trainor, and Walther approved the pre-probable cause conciliation agreement. Chair Broussard and I dissented.

MURs 7556 and 7601 (Kansas Democratic Party)
Statement of Commissioner Ellen L. Weintraub

here undermine the Commission's mission and amount to little more than the cost of doing business.

March 19, 2021
Date


Ellen L. Weintraub
Ellen L. Weintraub
Commissioner