



FEDERAL ELECTION COMMISSION

Washington, D.C. 20463

1 May 4, 2022

2 **MEMORANDUM**

3 **TO:** The Commission

4 **FROM:** Lisa J. Stevenson
5 Acting General Counsel

6 Charles Kitcher
7 Associate General Counsel for Enforcement

8 **BY:** Mark Allen *MA*
9 Assistant General Counsel for Enforcement

10 Richard L. Weiss *RLW*
11 Attorney

12 **SUBJECT:** MURs 7628, 7636 & 7992 (Kobach for Senate, *et al.*)
13 Circulation of Edited Factual & Legal Analyses and Proposed Conciliation
14 Agreements

22 **I. INTRODUCTION**

23 On April 28, 2022, the Commission found reason to believe that WeBuildTheWall, Inc.
24 ("WBTW") violated 52 U.S.C. § 30118 by making a corporate contribution by renting an email
25 list below market value to Kris Kobach and Kris Kobach for Senate and Elizabeth Curtis in her
26 official capacity as treasurer (the "Committee").¹ The Commission also found reason to believe
27 that the Committee violated 52 U.S.C. § 30118 by knowingly accepting a corporate contribution
28 by renting the WBTW email list below market value and violated 52 U.S.C. § 30104(b) by
29 failing to report the in-kind contribution.² The Commission authorized the Office of General
30 Counsel ("OGC") to enter into pre-probable cause conciliation with Respondents and instructed
31 OGC to revise the draft Factual and Legal Analyses ("F&LAs") and proposed Conciliation
32 Agreements ("CAs").³ Attached are the modified F&LAs and appropriate CAs for Commission
33 approval.

34 ¹ Certification ¶ 2 (Apr. 28, 2022).

35 ² *Id.* ¶¶ 3-4.

3 ³ *Id.* ¶¶ 5, 7.

MURs 7628, 7636 & 7992 (Kobach for Senate, *et al.*)

Memorandum to the Commission

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2 OGC has revised the F&LAs and CAs to remove all references to the WBTW logo
3 allegation and made a few corrections to the citation formats in the footnotes.
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8 **II. RECOMMENDATIONS**

9 1. Approve the attached Factual and Legal Analyses; and
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11 2. Approve the attached conciliation agreements.

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