



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 2023

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

BY: Charles Kitcher *MA for CK*
Associate General Counsel for Enforcement

Mark Allen *MA*
Assistant General Counsel

Thaddeus H. Ewald *THE*
Attorney

SUBJECT: MUR 7735 (Big Tent Project Fund, *et al.*)

RE: Circulation of Discovery Documents —
Deposition Subpoena to Jonathan Kott and Subpoenas to Big Tent Project Fund,
The Bonner Group, and Meta Platforms, Inc.

In connection with the investigation in the above-referenced matter, we are providing an update summarizing the information developed so far and circulating the attached discovery documents for the Commission's approval on a 48-hour no-objection basis.

I. BACKGROUND

On July 13, 2021, the Commission found reason to believe that Big Tent Project Fund ("Big Tent Project") violated 52 U.S.C. §§ 30102, 30103, and 30104 by failing to register and report as a political committee and report its independent expenditures as a political committee and violated 52 U.S.C. § 30104(b)(4)(H)(iii), (b)(5)(A), and (g)(1) by failing to report independent expenditures as a political committee.¹ The Commission also authorized the use of compulsory process.²

¹ Certification ("Cert.") ¶¶ 1-2 (July 15, 2021).

² *Id.* ¶ 4.

On August 6, 2021, the Office of General Counsel (“OGC”) notified Big Tent Project of the Commission’s reason-to-believe findings in this matter, provided it with a copy of the Factual & Legal Analysis (“F&LA”), and sent an informal Request for Written Answers and Production of Documents (“First Informal Discovery Request”).³ On September 28, 2021, Big Tent Project filed a Response to the Commission’s Factual & Legal Analysis (“RTB Response”) and submitted a Response to Request for Written Answers and Production of Documents (“First Informal Discovery Response”).⁴

To date, OGC has engaged in three subsequent rounds of informal discovery requests with Big Tent Project that have yielded substantial information and documents across six additional rolling productions, resulting in steady development of the record in this matter, as detailed below. However, counsel for Big Tent Project has most recently conveyed that Big Tent Project has reached the limit of what information and documents it is willing to produce to the Commission on an informal basis. At the same time, OGC has reached the point in its investigation at which sworn answers and complete documentary information are necessary to complete the record for the Commission’s consideration of the allegations.

Therefore, we are circulating the attached discovery documents for the Commission’s approval on a 48-hour no-objection basis: (1) deposition subpoena to Jonathan Kott, Big Tent Project’s Executive Director; (2) subpoena to Big Tent Project; (3) subpoena to The Bonner Group, Big Tent Project’s third-party vendor; and (4) subpoena to Meta Platforms, Inc. (“Meta”) relating to United We Succeed, a Facebook profile that claims affiliation with Big Tent Project. The attached subpoenas are limited to the time period from February 1, 2020, through July 31, 2020, which the record indicates is the period in which Big Tent Project was active.

The statute of limitations in this matter begins to run in February 2025.⁵

³ See RTB Notif. Letter (Aug. 6, 2021); Factual & Legal Analysis (“F&LA”); Request for Written Answers and Production of Documents (Aug. 6, 2021) [hereinafter First Informal Discovery Request].

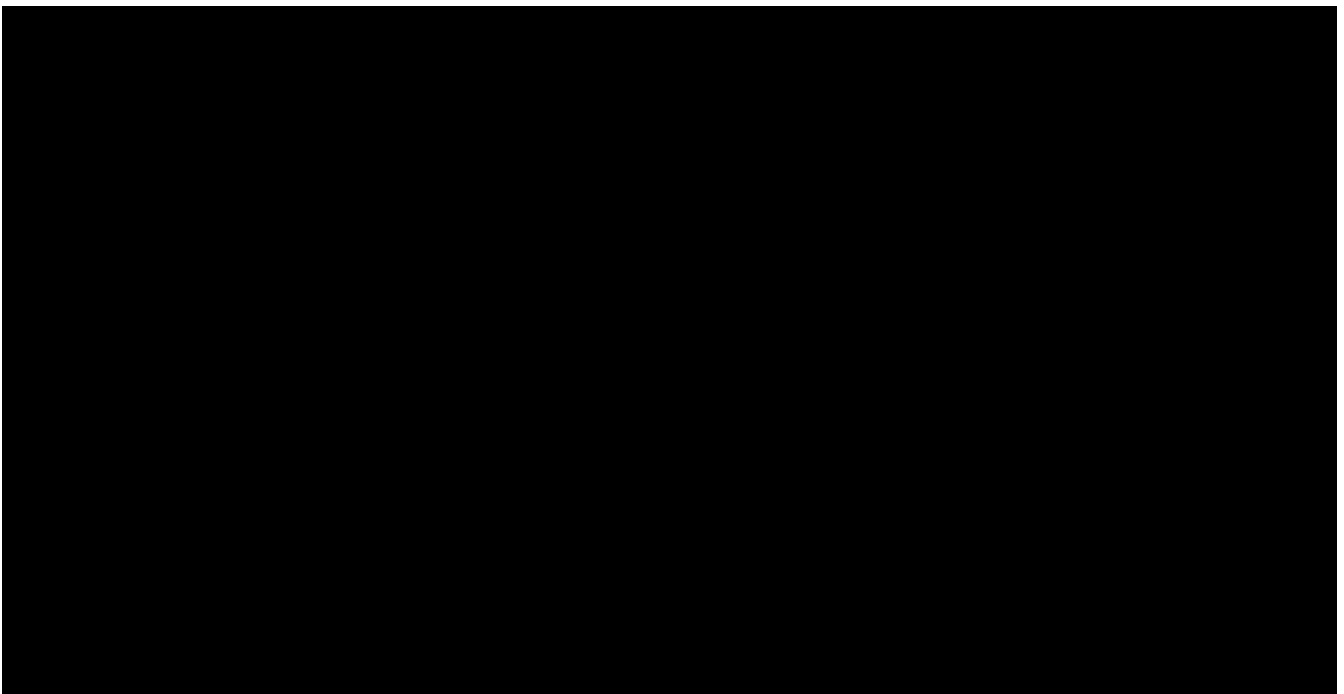
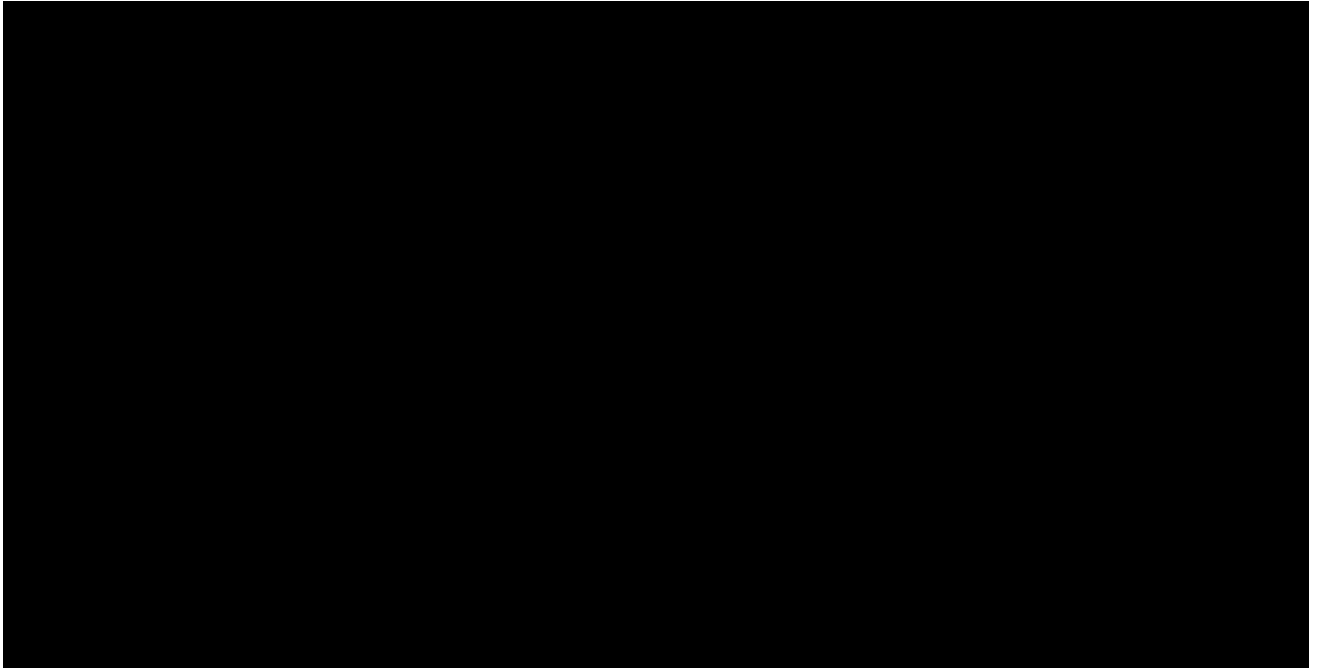
⁴ RTB Resp. (Sept. 28, 2021); Resp. to Request for Written Answers & Production of Documents (Sept. 28, 2021) [hereinafter First Informal Discovery Resp.].

⁵ The earliest date on which the statute of limitations begins to run is February 12, 2025. See First Gen. Counsel’s Rpt. (“First GCR”) at 1 (May 13, 2021). Pursuant to a tolling agreement signed by Big Tent Project, the statute of limitations does not begin to run as to any violations by Big Tent Project until March 4, 2025. See Big Tent Project Fund Tolling Agreement (Aug. 27, 2021). Kott is also a Respondent in this matter, and the Commission took no action at the time of its other reason-to-believe findings as to Kott individually. Cert. ¶ 3 (July 15, 2021). Kott did not execute a tolling agreement, so the statute of limitations as to any putative violations by him individually begins to run on February 12, 2025.

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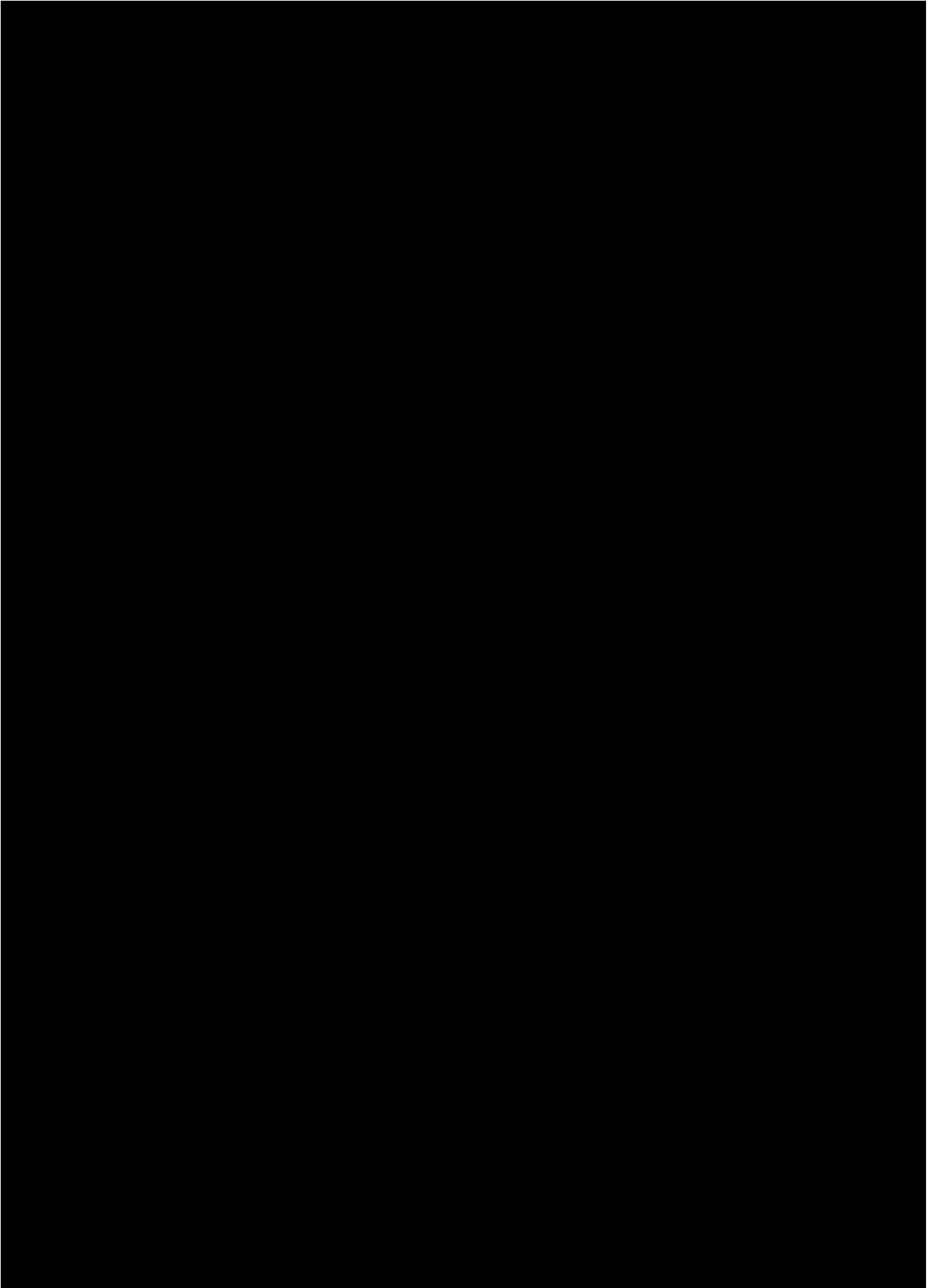
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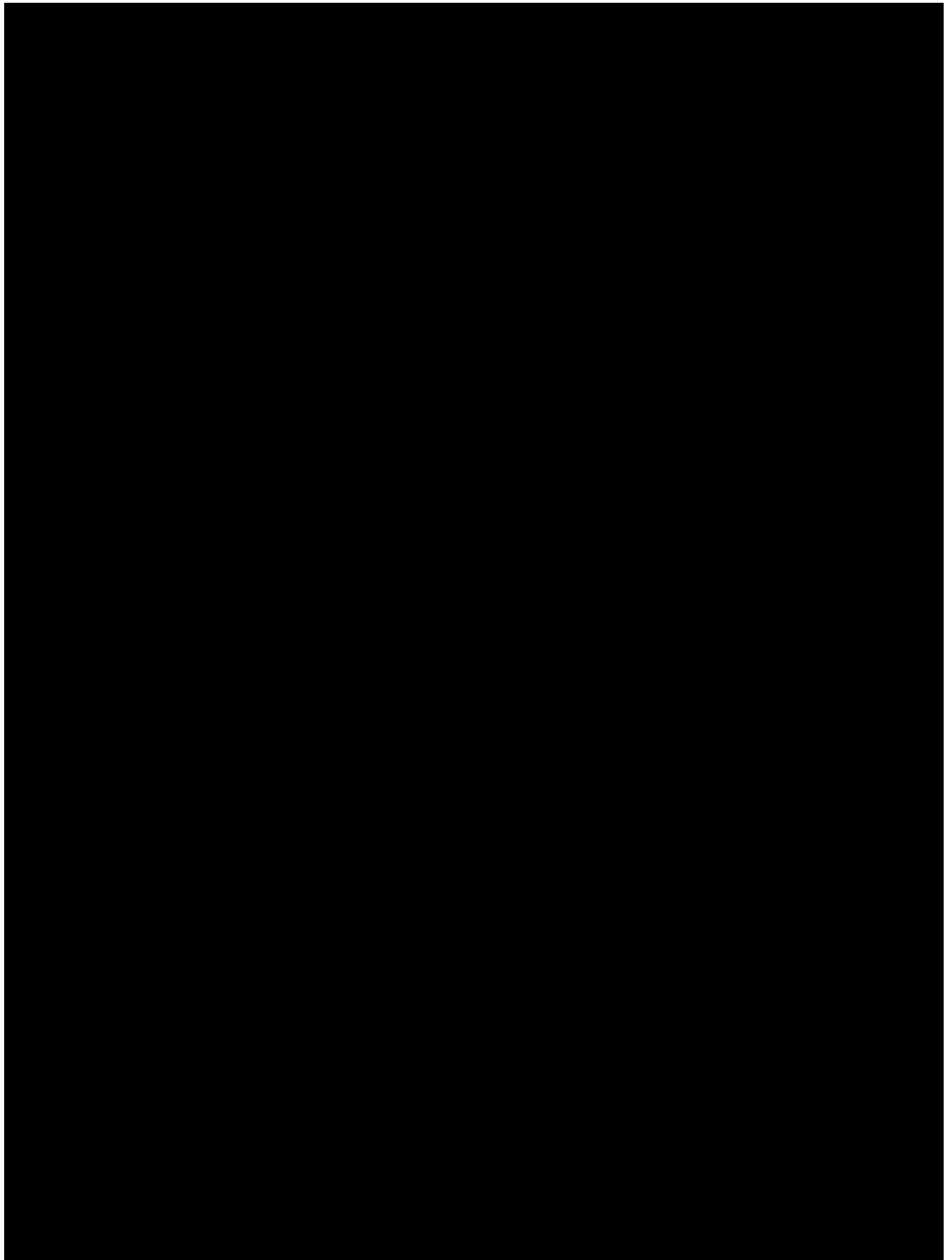
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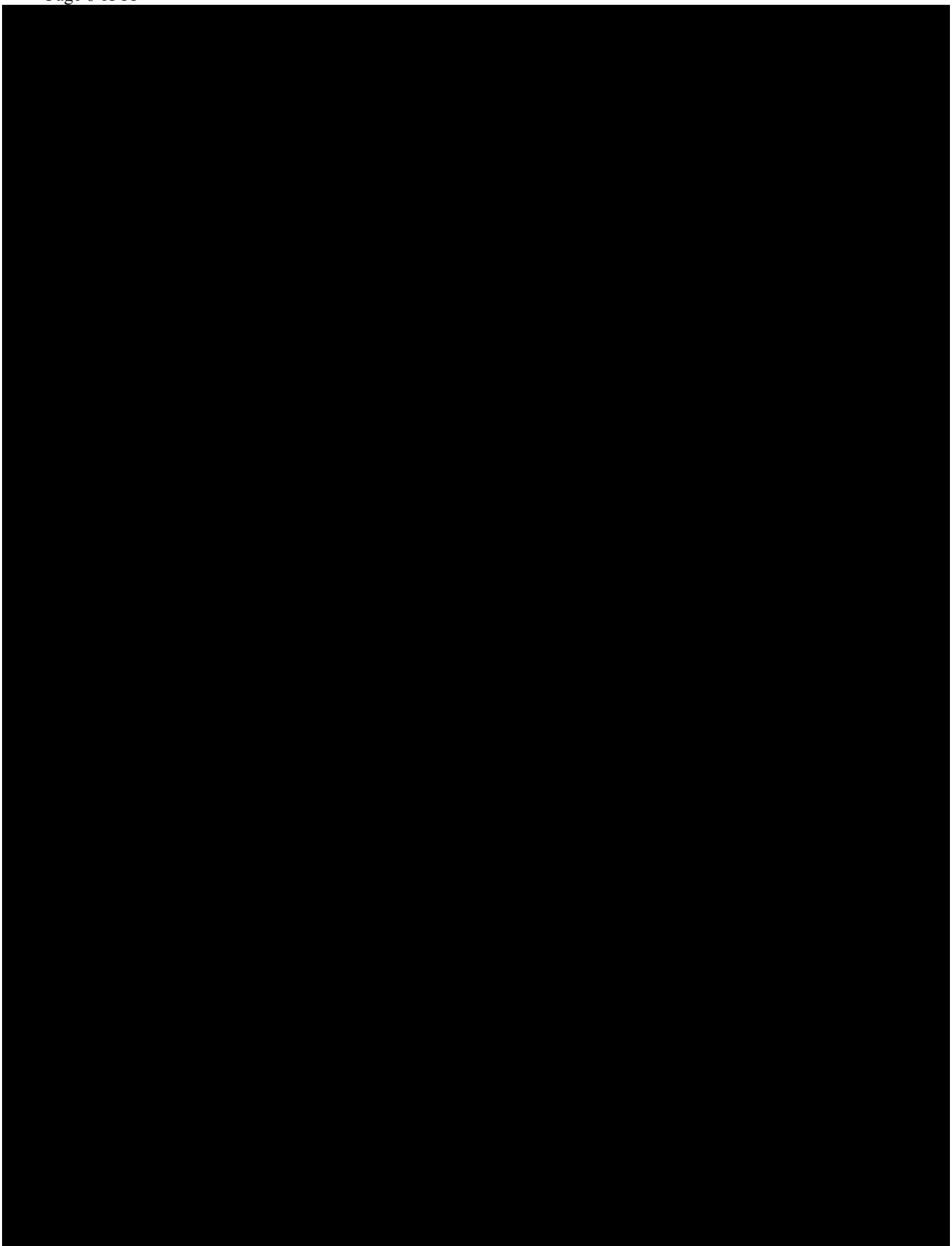
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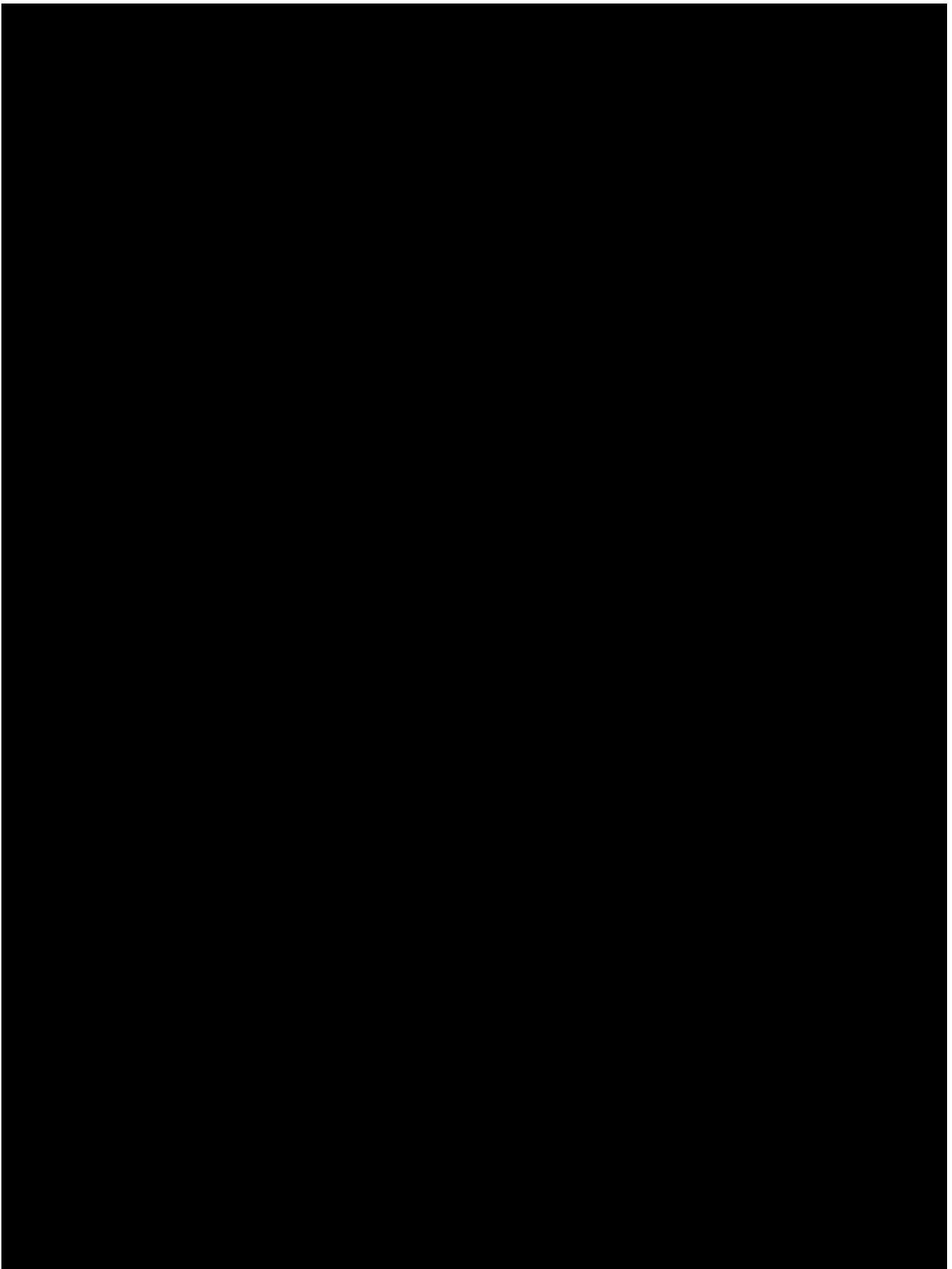
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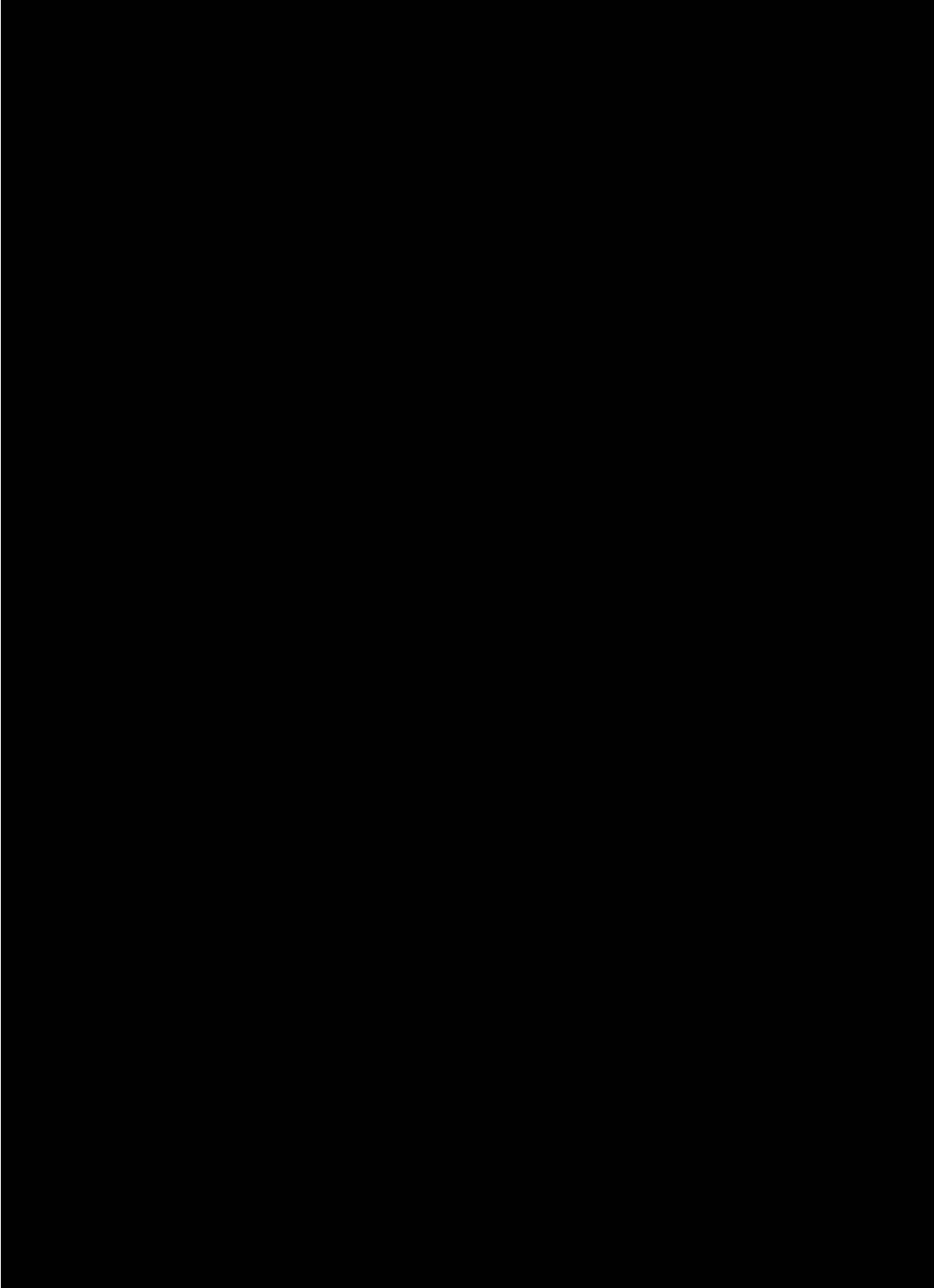
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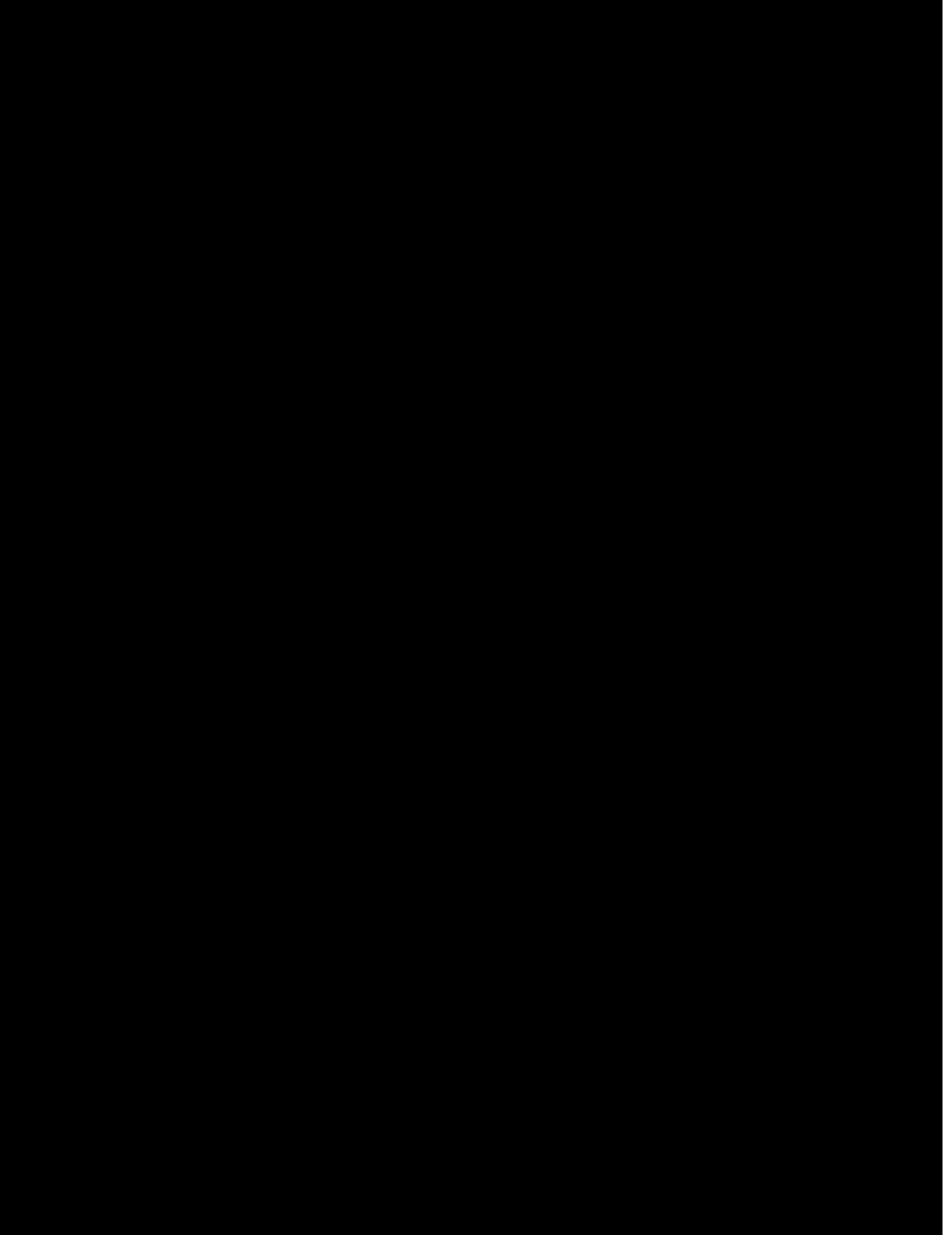
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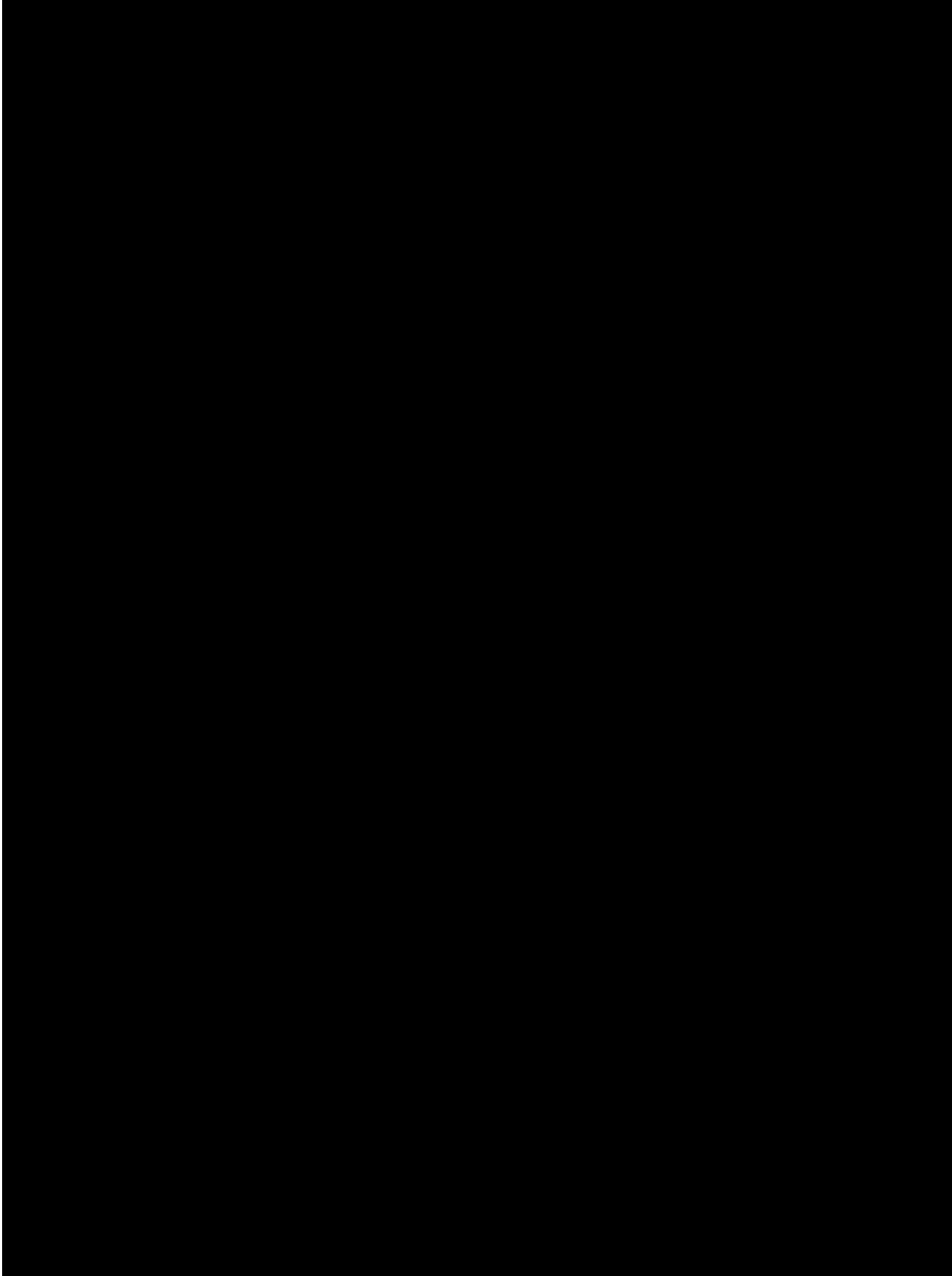
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