



FEDERAL ELECTION COMMISSION
Washington, DC

TO: The Commission

FROM: Lisa Stevenson
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DATE: March 22, 2024

SUBJECT: MUR 7892 (Turning Point Action, *et al.*)
Supplement to First General Counsel's Report

I. INTRODUCTION

The Office of General Counsel circulated a First General Counsel's Report in this matter to the Commission, dated October 31, 2023, recommending that the Commission find reason to believe that Turning Point Action ("TPA") violated 52 U.S.C. § 30104(b)(3)(A), (c)(1), and (c)(2)(C) by failing to disclose contributions totaling \$33,795 and failing to disclose additional contributions, including but not limited to contributions that were made in quarters prior to when TPA commenced making independent expenditures. The Report also recommends finding no reason to believe that Austin Smith violated § 30104(b)(3)(A), (c)(1), and (c)(2)(C) and to close the file as to him. Further, we indicated that should the Commission approve our recommendations, we would conduct an investigation to determine the extent to which TPA failed to disclose reportable contributions.

The circulated Report explains our assessment that a reason to believe finding that encompasses TPA's failure to disclose contributions made in prior quarters is consistent with the requirements of the Federal Election Campaign Act of 1971, and the direction provided by the D.C. District and Circuit Courts in *CREW I* and *II*, and that such a finding would reinforce the importance of the regulated community's reporting obligations following the 2018 vacatur of

1 11 C.F.R. § 109.10(e)(1)(vi).¹

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED] we would not recommend seeking a civil penalty for reporting
6 violations resulting from failing to disclose contributions received in prior quarters, in light of
7 fairness concerns.

8 Accordingly, if the Commission finds reason to believe and authorizes an investigation
9 and the investigation reveals that TPA failed to disclose contributions received in prior quarters
10 to when independent expenditures were made, and OGC later recommends that the Commission
11 enter into pre-probable cause conciliation with TPA, OGC would not recommend seeking a civil
12 penalty for failing to disclose such out-of-quarter contributions.

¹ See FGCR at note 174.