



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

July 29, 2024

**VIA ELECTRONIC & CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Common Cause Georgia  
Treaunna C. Dennis  
250 Georgia Avenue SE #202  
Atlanta, GA 30312  
[adennis@commoncause.org](mailto:adennis@commoncause.org)

RE: MUR 7894R

Dear Ms. Dennis:

This is in reference to the complaint you filed with the Federal Election Commission on March 31, 2021. After the U.S. District Court for the District of Columbia remanded this matter to the Commission for further action, *see Common Cause Georgia v FEC*, 22-cv-3067 (DLF), the matter was reopened and numbered MUR 7894R. The Commission on October 17, 2023, voted to find reason to believe that the Georgia Republican Party, Inc., and Laurie L. McClain in her official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) and (b) by failing to report receipts and disbursements to the Commission. On June 25, 2024, the Commission voted to accept a conciliation agreement signed by the Georgia Republican Party. Accordingly, the Commission voted to close the file in this matter, effective today.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). A copy of the conciliation agreement and the Factual and Legal Analysis are enclosed for your information.

If you have any questions, please contact, me at (202) 694-1476 or [arabinowitz@fec.gov](mailto:arabinowitz@fec.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Aaron Rabinowitz".

Aaron Rabinowitz  
Assistant General Counsel

Enclosures

1. Factual and Legal Analysis
2. Conciliation Agreement

**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Georgia Republican Party, Inc., and Laurie L. McClain in her official capacity as treasurer **MUR 7894R**

**I. INTRODUCTION**

The Complaint alleges that the Georgia Republican Party, Inc., and Laurie L. McClain in her official capacity as treasurer (the “Georgia GOP”), knowingly accepted and failed to report prohibited corporate in-kind contributions from True the Vote, Inc., a 501(c)(3) non-profit corporation, in the form of various services including a voter hotline, ballot-curing support, signature verification training, absentee ballot drop box monitoring, and other election integrity initiatives in connection with the 2021 Senate runoff election in Georgia. The Complaint, citing to public statements from officials at both organizations, contends that the expenditures by True the Vote for these services were made at the request of and in partnership with the Georgia GOP and therefore should be treated as in-kind contributions subject to the source prohibitions and reporting requirements of the Federal Election Campaign Act of 1971, as amended (the “Act”).

The Commission previously considered the Complaint in MUR 7894 (True the Vote, *et al.*) but there were an insufficient number of votes to find reason to believe that the Georgia GOP violated 52 U.S.C. § 30118(a) (accepting prohibited contributions from a corporation) or § 30104 (failing to report contributions). Accordingly, the Commission closed its file in MUR 7894. The Commission’s action in that matter was challenged in *Common Cause Georgia v. FEC*, No. 22-cv-3067 (D.D.C. Sept. 29, 2023). On September 29, 2023, the U.S. District Court for the District of Columbia held that the Commission’s dismissal of the disclosure allegations was contrary to

law and remanded the matter for proceedings consistent with that opinion.<sup>1</sup> Pursuant to the court’s remand, this matter was reopened and numbered MUR 7894R.

As explained below, and consistent with the court’s opinion, the Commission finds reason to believe that the Georgia GOP violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a), (b) by failing to report the in-kind contributions it received from True the Vote in the form of the various expenditures that True the Vote made in coordination with the Georgia GOP regarding the 2021 Senate runoff election in Georgia.

## II. FACTUAL BACKGROUND

True the Vote is a non-profit corporation that was founded in 2009 and organized under section 501(c)(3) of the tax code.<sup>2</sup> On its website, True the Vote describes itself as “the country’s largest voters’ rights organization and well known for our ability to lead unified national plans to protect election integrity.”<sup>3</sup>

According to the Complaint, True the Vote’s founder and president, Catherine Engelbrecht, wrote in an email announcement that the organization had received a “request from the Georgia Republican Party to provide publicly available nonpartisan signature verification training, a 24x7 vote hotline, ballot-curing support, and more.”<sup>4</sup> The email announcement, when

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<sup>1</sup> *Common Cause v. FEC*, No. 22-cv-3067, 2023 WL 6388883 at \*11 (D.D.C. Sept. 29, 2023) (“Opinion”). The court found that plaintiffs established standing to challenge the Commission’s dismissal of the disclosure violations but that they did not establish Article III standing to challenge the dismissal of the prohibited contribution allegations. *Id.* at \*4.

<sup>2</sup> Compl. at 3, MUR 7894 (True the Vote, *et al.*) (Mar. 31, 2021) (“Compl.”); see IRS Form 990, True the Vote, Inc., 2017 Return of Organization Exempt from Income Tax at 1 (Nov. 15, 2018).

<sup>3</sup> Compl. at 3.

<sup>4</sup> *Id.* at 3-4 (quoting Email from True the Vote, Inc., re: Weekly Update | Validate the Vote GA | 12.13.20 (Dec. 14, 2020) (archived at *Weekly Update | Validate the Vote GA | 12.13.20*, ARCHIVE OF POL. EMAILS, <https://politicalemails.org/messages/318884> (last visited Oct. 25, 2023)) (“True the Vote Email Announcement”). Complainant appears to have accessed the email through the Archive of Political Emails, a publicly searchable database of emails sent to individuals signed up to receive communications from “political candidates, elected

1 referencing True the Vote’s efforts in Georgia, further described “leading webinars and FAQ  
 2 sessions for government leaders in support of their constituents who are understandably angry  
 3 about what happened in November.”<sup>5</sup>

4 Subsequently, True the Vote announced in a press release “its partnership with the  
 5 Georgia Republican Party to assist with the Senate runoff election process, including publicly  
 6 available signature verification training, a statewide voter hotline, monitoring absentee ballot  
 7 drop boxes, and other election integrity initiatives.”<sup>6</sup> The same press release attributes a quote to  
 8 Georgia GOP Chairman David Shafer: “We are grateful for the help of the True the Vote team  
 9 in the fight for election integrity. . . . The resources of True the Vote will help us to organize and  
 10 implement the most comprehensive ballot security initiative in Georgia history.”<sup>7</sup>

11 Three days after announcing its partnership with the Georgia GOP, True the Vote  
 12 challenged the eligibility of 364,541 registered Georgia voters,<sup>8</sup> which required that it locate a

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officials, PACs, non-profits, NGOs and other entities that shape the political debate.” *About the Archive*, ARCHIVE OF POL. EMAILS, <https://politicalemails.org/about> (last visited Oct. 23, 2023).

<sup>5</sup> True the Vote Email Announcement.

<sup>6</sup> Compl. at 4 (quoting Press Release, True the Vote, True the Vote Partners With Georgia GOP to Ensure Transparent, Secure Ballot Effort for Senate Runoff Elections (Dec. 14, 2020), <https://truethevote.org/true-the-vote-partners-with-georgia-gop-to-ensure-transparent-secure-ballot-effort-for-senate-runoff-elections/> [<https://web.archive.org/web/20201214222722/https://truethevote.org/true-the-vote-partners-with-georgia-gop-to-ensure-transparent-secure-ballot-effort-for-senate-runoff-elections/>] (“True the Vote Press Release”)).

<sup>7</sup> True the Vote Press Release.

<sup>8</sup> In Georgia, a voter is able to challenge the eligibility of any other voter in his or her county to vote in a given election by filing a challenge in writing identifying the basis for the challenge. Georgia Code Ann. § 21-2-230(a). Such a challenge does not necessarily remove a voter from the state’s registry but results in a requirement that the Georgia Board of Registrars consider the challenge to determine whether probable cause exists to sustain the challenge. *Id.* § 21-2-230(b). If the board of registrars finds probable cause, poll officers are notified, and the challenged voter will either need to appear before the board of registrars and answer the grounds of the challenge through a hearing at the polls or have their ballot treated as challenged pursuant to section 21-2-386 of the Georgia code until the registrars can conduct a hearing. If the challenged voter does not cast a ballot and the challenge relates to the voter’s eligibility to vote in general, the registrars will hear the challenge pursuant to section 21-2-229, which addresses challenges that contest whether an individual is entitled to be registered to vote in Georgia. *See also Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1357-66 (M.D. Ga. 2021) (summarizing the experiences of challenged voters from mass challenges in Ben Hill and Muscogee counties during

Georgia resident in each of Georgia’s 159 counties to challenge the ballots identified by True the Vote for their county.<sup>9</sup> In a press release, True the Vote thanked several Georgia residents for their assistance in filing the voter challenges, including Ron Johnson of Jackson County and James Cooper of Walton County, both of whom appear to have held county-level leadership roles in the Georgia GOP.<sup>10</sup>

True the Vote was involved in several other self-described election security efforts during the 2020 election cycle. It sought more than \$7 million to file lawsuits in connection with the presidential election, and received a donation of \$2.5 million shortly after the conclusion of the 2020 general election.<sup>11</sup> The donor who contributed \$2.5 million later filed suit against True the Vote, contending that his donation was solely intended to investigate the 2020 presidential election and not for other election integrity efforts.<sup>12</sup> In connection with that litigation, True the

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the 2021 run-off election and granting a preliminary injunction to enjoin the defendants from upholding voter challenges based solely on change of address information).

<sup>9</sup> Press Release, True the Vote, True the Vote Partners with Georgians in Every County to Preemptively Challenge 364,541 Potentially Ineligible Voters (Dec. 18, 2020), <https://www.truethevote.org/true-the-vote-partners-with-georgians-in-every-county-to-preemptively-challenge-364541-potentially-ineligible-voters/> (“Voter Challenge Press Release”).

<sup>10</sup> Voter Challenge Press Release. Ron Johnson is the former chairman of the Jackson County Republican. See William Douglas & Maggie Lee, *Trump Adds Fire to Already Hot Georgia Governor’s Race*, MCCLATCHY DC (July 22, 2018), <https://www.mcclatchydc.com/news/politics-government/article215174645.html> (identifying Ron Johnson as the chairman of Georgia’s Jackson County Republican Party). James Cooper was a 2020 delegate to the 2020 Republican National Convention and was elected chairman of the Georgia Republican Party for the 10th Congressional District in May 2021. See David Clemons, *Cooper to Lead 10th District GOP*, WALTON TRIB. (May 25, 2021), [https://www.waltontribune.com/news/article\\_ce64d75e-bd73-11eb-9de3-afc8f597bf37.html](https://www.waltontribune.com/news/article_ce64d75e-bd73-11eb-9de3-afc8f597bf37.html); The Walton Tribune, FACEBOOK (May 25, 2021), <https://facebook.com/waltontribune/posts/4111603758889173> (announcing James Cooper’s election as Chair of the 10th District Georgia GOP).

<sup>11</sup> Shawn Boburg & Jon Swaine, *A GOP Donor Gave \$2.5 Million for a Voter Fraud Investigation. Now He Wants His Money Back*, WASH. POST (Feb. 15, 2021), [https://www.washingtonpost.com/investigations/true-vote-lawsuit-fraud-eselman/2021/02/15/a7017adc-6724-11eb-886d-5264d4ceb46d\\_story.html](https://www.washingtonpost.com/investigations/true-vote-lawsuit-fraud-eselman/2021/02/15/a7017adc-6724-11eb-886d-5264d4ceb46d_story.html).

<sup>12</sup> *Id.*; see also Pl.’s Consolidated Reply in Supp. of his Verified Emergency Appl. for TRO as to Defs. True the Vote, Inc., Catherine Engelbrecht, Gregg Phillips and His Verified Mot. for Prelim. Inj. as to All Defs. at 2, *Eshelman v. True the Vote, Inc.*, No. 4:20-cv-04034 (S.D. Tex. Jan. 25, 2021), ECF No. 4 (“Even after TTV abandoned its Validate the Vote efforts, TTV spent his money to pursue ineffective efforts in connection with the Georgia Senate runoffs, which TTV never told Eshelman his money would be used to help fund.”).

1 Vote's founder and president, Catherine Engelbrecht, submitted a declaration attaching many  
 2 communications and documents concerning True the Vote's activities, including a section of  
 3 materials that related to its election protection activities in Georgia.<sup>13</sup> Those materials included  
 4 conversations among True the Vote's donors discussing requests for involvement in the Georgia  
 5 Senate runoff elections.<sup>14</sup>

6 Engelbrecht's declaration explained that, in addition to providing publicly available  
 7 trainings, True the Vote worked on a variety of non-public activities in connection with the  
 8 Georgia Senate runoff. As Engelbrecht stated:

9 [True the Vote] worked with [co-defendant OpSec, LLC]  
 10 throughout 2020 on a variety of projects involving data collection,  
 11 investigation and research, analytics, media production, and  
 12 software development. They were specifically tasked with  
 13 overseeing research related to litigation and challenges, and the  
 14 development and support of the "Election Integrity Hotline," with  
 15 extensive responsibility for the arduous task of vetting the  
 16 information received. That requires interviewing witnesses,  
 17 examining documents, and uncovering supporting evidence  
 18 sufficient to open investigations, secure indictments, and support  
 19 litigation, as necessary. OpSec assembled teams of data miners,  
 20 analysts, investigators, and subject matter experts. In Texas,  
 21 Georgia, Pennsylvania, Nevada, Arizona, Michigan, and  
 22 Wisconsin, [True the Vote], through OpSec, supported  
 23 'whistleblower' investigations and implemented a variety of  
 24 complex regression analyses using public and commercially  
 25 sourced data to determine whether or not voters were truly eligible

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<sup>13</sup> See Resp. of True the Vote and Catherine Engelbrecht to Mot. for Temporary and Prelim. Inj., *Eshelman v. True the Vote, Inc.*, No. 4:20-cv-04034 (S.D. Tex. Jan. 21, 2021), ECF No. 47; Decl. of Catherine Engelbrecht in Supp. of Defs.' Resps. in Opp'n to Pl.'s Verified Emergency Appl. for TRO and Verified Mot. for Prelim. Inj. and Exs. 1-7 Thereto, *Eshelman v. True the Vote, Inc.*, No. 4:20-cv-04034 (S.D. Tex. Jan. 21, 2021), ECF No. 47-1 ("Engelbrecht TX Decl."). The Engelbrecht TX Declaration included several exhibits, including an exhibit titled "Exhibit 7: Validate the Vote Project Continues in Georgia"; see also Decl. of Gregg Phillips in Opp. to Pl.'s Appl. for TRO and Mot. for Prelim. Inj., *Eshelman v. True the Vote, Inc.*, No. 4:20-cv-04034 (S.D. Tex. Jan. 21, 2021), ECF No. 47-2 ("Phillips TX Decl.") (describing the work OpSec completed on behalf of True the Vote).

<sup>14</sup> See Engelbrecht TX Decl., Ex. 7 at 1 (attaching a November 5, 2020 email from Tom Crawford to Fred Eshelman stating "Don't shoot me...[ ]Republicans now reaching out to ask if we will play in GA Senate run-off. What we did with LPVs in NC, MI, WI, NV is getting a ton of attention and seen as having saved NC (and May deliver a margin in NV) and increased turnout in each state we played in with the rare cohort of fresh votes").

based on their residency, identity, and other factors, as appropriate  
 on a state-specific basis.<sup>15</sup>

The declaration further explains: “[W]e helped voter challenges of over 364,000 people  
 in Georgia whose current residence made them potentially ineligible to vote in the runoff  
 election . . . . We are now in the process of evaluating if these people voted in the Georgia  
 Senate runoffs.”<sup>16</sup> OpSec’s founder describes the efforts in Georgia as follows: “We have been  
 able to design a methodology that will provide challengers with the data necessary to challenge  
 elections by identifying specific unqualified voters on a county[-]by[-]county basis. We also  
 successfully helped submit the largest pre-election set of challenges in American history in  
 Georgia.”<sup>17</sup>

The Georgia GOP did not disclose any contributions from True the Vote on either its  
 2020 Year-End Report or in its 2021 February Monthly Report.<sup>18</sup> To date, the Georgia GOP has  
 not disclosed any contributions from True the Vote,<sup>19</sup> nor has it disclosed any payments to True  
 the Vote for services rendered.<sup>20</sup>

The Complaint alleges that the Georgia GOP received illegal corporate contributions

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<sup>15</sup> Engelbrecht TX Decl. ¶ 8; *see also* Phillips TX Decl. (describing OpSec’s work as involving the acquisition of hundreds of thousands of dollars of data purchases, proprietary software products, litigation support, communications support, and advisory and consulting services).

<sup>16</sup> Engelbrecht TX Decl. ¶ 24.

<sup>17</sup> Phillips TX Decl. ¶ 7.

<sup>18</sup> Because the Georgia GOP is a committee that files on a monthly basis, the Special Election did not trigger any additional reporting obligations. *See* David Garr, Commc’ns Specialist, FEC, , *FEC Record: Reporting, Reporting Guidance for Georgia Runoff Elections (2020)*, FEC.GOV (Nov. 25, 2020), <https://www.fec.gov/updates/reporting-guidance-georgia-runoff-elections-2020/>.

<sup>19</sup> *FEC Receipts: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/receipts/?data\\_type=processed&committee\\_id=C00150672&contributor\\_name=true+the+vote](https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00150672&contributor_name=true+the+vote) (showing zero receipts by the Georgia GOP from “True the Vote”).

<sup>20</sup> *FEC Disbursements: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/disbursements/?data\\_type=processed&committee\\_id=C00150672&recipient\\_name=True+the+Vote](https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00150672&recipient_name=True+the+Vote) (showing zero disbursements by the Georgia GOP to “True the Vote”).

from True the Vote in the form of coordinated expenditures and that the Georgia GOP failed to report those contributions.<sup>21</sup> It points to True the Vote’s statements concerning the Georgia GOP’s request for assistance and the ensuing “partnership” as evidence of coordination.<sup>22</sup> The Complaint further compares True the Vote’s activity to get-out-the-vote (“GOTV”) activity coordinated between a corporation and a committee, which Commission regulations prohibit.<sup>23</sup> Finally, the Complaint alleges that the Georgia GOP violated the Act’s reporting requirements by failing to disclose contributions from True the Vote.<sup>24</sup>

In its Response, the Georgia GOP argues that the Complaint bases its allegations on speculation and innuendo, and contends that the statements contained in the True the Vote email and press release “do not give reason to believe a violation occurred.”<sup>25</sup> The Response further states that True the Vote’s publicly available resources cannot be considered to be an in-kind contribution because they were free.<sup>26</sup> The Georgia GOP further contends that True the Vote’s election protection efforts are not akin to get-out-the-vote or voter registration activity.<sup>27</sup>

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<sup>21</sup> Compl. at 10-11.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 7-8 (citing 11 C.F.R. § 114.4(c) (providing that a corporation or labor organization may make voter registration or get-out-the-vote communications to the general public without making a contribution or expenditure provided that “[t]he preparation and distribution of voter registration and get-out-the-vote communications is not coordinated with any candidate(s) or political party”)).

<sup>24</sup> Compl. at 12.

<sup>25</sup> Georgia GOP Resp. at 1-2 (July 12, 2021).

<sup>26</sup> *Id.* at 3

<sup>27</sup> *Id.* at 3 n.15 (noting that Common Cause has averred in a lawsuit that it, “alongside other partners in Georgia, created a program to help recruit volunteers to monitor local board of elections meetings” and further noting that “Common Cause also provides food and drinks to voters to encourage them to vote”).



### 1 III. LEGAL ANALYSIS

#### 2 A. The Georgia GOP Failed to Report Coordinated Expenditures 3 That it Knowingly Accepted From True the Vote in Connection 4 with the 2021 Georgia Senate Runoff Election

##### 5 1. Coordination

6 Under the Act, the terms “contribution” and “expenditure” include “anything of value”  
 7 given or made by any person for the purpose of influencing an election.<sup>28</sup> Additionally,  
 8 “expenditures made by any person (other than a candidate or candidate’s authorized committee)  
 9 in cooperation, consultation, or concert with, or at the request or suggestion of a national, State,  
 10 or local committee of a political party, shall be considered to be contributions made to such party  
 11 committee.”<sup>29</sup> “Coordinated” means “made in cooperation, consultation or concert with, or at  
 12 the request of suggestion of, a candidate, a candidate’s authorized committee, or a political party  
 13 committee.”<sup>30</sup>

14 The court found that True the Vote’s and the Georgia GOP’s statements gave the  
 15 Commission “a concrete and plausible factual basis[] for thinking that True the Vote participated  
 16 in the runoff in partnership with or at the request of the Party,”<sup>31</sup> specifically noting that:

17 True the Vote’s public statements gave the Commission clear  
 18 reasons to believe that it coordinated with, or acted at the request  
 19 or suggestion of, the Georgia Republican Party during the 2021  
 20 runoff. Start with True the Vote’s public statements, which all but  
 21 admitted coordination. In a fundraising email, True the Vote

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<sup>28</sup> 52 U.S.C. § 30101(8)(A)(i), (9)(A)(i).

<sup>29</sup> *Id.* § 30116(a)(7)(B)(ii); 11 C.F.R. § 109.20(b); *see, e.g.*, Factual & Legal Analysis (“F&LA”) at 11, MURs 7324, 7332, 7366 (Am. Media, Inc.); Conciliation Agreement ¶¶ IV.7-11, V.1-2, MUR 6718 (John E. Ensign) (Apr. 18, 2013) (acknowledging that third parties’ payment, in coordination with a federal candidate, of severance to a former employee of the candidate’s authorized committee and leadership PAC resulted in an excessive, unreported in-kind contribution by the third parties to the candidate and the two political committees).

<sup>30</sup> 11 C.F.R. § 109.20(a).

<sup>31</sup> *Common Cause*, 2023 WL 6388883 at \*7.

described a “request from the Georgia Republican Party” to participate in the runoff election. Later, in a press release, True the Vote “announc[ed]” its participation in “partnership with the Georgia GOP.”<sup>32</sup>

The Court further noted that, beyond the Respondents’ own statements, the factual record further supported the conclusion that True the Vote and the Georgia GOP coordinated True the Vote’s activities in the Georgia runoff election:

The context of True the Vote’s comments made the nature of its activities even clearer. In private emails, a consultant told one of True the Vote’s donors that “Republicans” had “reach[ed] out to ask if we will play” in the Georgia runoff election. And when True the Vote challenged more than 300,000 Georgians’ eligibility to vote in the runup to Election Day, it partnered with two Republicans with close ties to the Georgia Republican Party — one the former chairman of Georgia’s Jackson County Republican Party, the other a 2020 delegate to the Republican National Convention and the 2021 chairman of the Georgia Republican Party for the Tenth Congressional District — who served as official ballot “challengers” under Georgia law. All this made it even more plausible that True the Vote participated in the runoff “in cooperation, consultation, or concert with, or at the request or suggestion of,” the Georgia Republican Party.<sup>33</sup>

The available information accordingly indicates that True the Vote’s activities were “coordinated” with the Georgia GOP because they were undertaken “in cooperation, consultation or concert with, or at the request or suggestion” of the Georgia GOP.<sup>34</sup> True the Vote publicly announced that the Georgia GOP “requested” that True the Vote “assist” with its own efforts in the Georgia runoff election and characterized the endeavor as a “partnership.”<sup>35</sup> As a result, in

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<sup>32</sup> *Id.* (internal citations omitted); *see* True the Vote Press Release; True the Vote Email Announcement.

<sup>33</sup> *Id.* (internal citations omitted); *see supra* notes 10 and 14 and accompanying text.

<sup>34</sup> 52 U.S.C. § 30116(a)(7)(B)(i); 11 C.F.R. § 109.20(a)-(b).

<sup>35</sup> True the Vote Press Release; True the Vote Email Announcement (describing two weeks of meetings in Georgia, work analyzing the voter rolls and its acquisition of new staff which included “investigators, analysts, attorneys”).

1 True the Vote’s own words, True the Vote’s activity followed a consultation with and then a  
2 request from a political party committee, and True the Vote agreed to “assist” that political party  
3 committee. True the Vote’s press releases contain statements attributed to the Georgia GOP’s  
4 chairman acknowledging the partnership and expressing gratitude for the “resources” that True  
5 the Vote was providing and referencing a ballot security initiative.<sup>36</sup> As a result, True the Vote  
6 and the Georgia GOP’s statements indicate coordination of True the Vote’s activities.

7 The available information also suggests a partnership between True the Vote and the  
8 Georgia GOP for the Georgia GOP to provide access to Georgia county residents willing to serve  
9 as “challengers” to challenge the ballots identified by True the Vote in the counties in which the  
10 challengers resided. Although the Response emphasizes True the Vote’s publicly available  
11 trainings, the partnership between the two entities was announced days before True the Vote  
12 implemented a large-scale challenge of Georgia ballots.<sup>37</sup> Further, at least two of the individuals  
13 thanked by Engelbrecht in the press release announcing the voter challenge, whom she identified  
14 as having “led the charge in recruiting hundreds of volunteer challengers across the state,” have  
15 held prominent county-level roles within the Georgia GOP.<sup>38</sup>

16 The Georgia GOP argues that True the Vote generally operated in an autonomous manner  
17 and would have performed these activities anyway, and thus its activities were not coordinated.<sup>39</sup>  
18 However, the definition of “coordination” broadly covers expenditures “made in cooperation,

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<sup>36</sup> True the Vote Press Release (quoting Shafer as stating that “We are grateful for the help of the True the Vote team in the fight for election integrity. . . . The resources of True the Vote will help us organize and implement the most comprehensive ballot security initiative in Georgia history”).

<sup>37</sup> See *supra* note 10 and accompanying text; Voter Challenge Press Release.

<sup>38</sup> See *supra* note 10 and accompanying text.

<sup>39</sup> See Georgia GOP Resp. at 3.

consultation or concert with, or at the request or suggestion of . . . a political party committee” and thus does not require that the coordinating party be the proximate cause of the relevant expenditure.<sup>40</sup> Further, in reviewing the factual record before it, the district court also rejected the idea that True the Vote would have undoubtedly participated in the Georgia Special Election absent the Georgia GOP’s request or encouragement.<sup>41</sup> Without deciding whether the Act and its implementing regulations require a but-for causal link between a request and an expenditure, the District Court found that nevertheless, “the record gave the Commission ample reasons to believe that the Republican Party’s encouragement was a but-for cause of True the Vote’s participation in the Georgia runoff.”<sup>42</sup>

As such, the available information indicates that True the Vote and the Georgia GOP coordinated their activities, and we turn to whether any payments were made for the purpose of influencing an election.

## 2. For the Purpose of Influencing an Election

The coordinated efforts that True the Vote undertook with the Georgia GOP would constitute in-kind contributions from True the Vote to the Georgia GOP, provided that they were “expenditures” as that term is defined by the Act, meaning that they were made for the purpose of influencing the Georgia Senate runoff election. In determining that the expenditures at issue in this matter were for the purpose of influencing an election, the district court noted that:

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<sup>40</sup> 11 C.F.R. § 109.20(a).

<sup>41</sup> *Common Cause*, 2023 WL 6388883 at \*8 (internal citations omitted); *see also* True the Vote Email Announcement; True the Vote Press Release.

<sup>42</sup> *Common Cause*, 2023 WL 6388883 at \*8 (“If the Party had not ‘request[ed]’ True the Vote’s presence in Georgia, local Republicans might not have cooperated with True the Vote’s voter eligibility challenges. If Republicans had not ‘reach[ed] out’ to see if True the Vote’s donors might ‘play’ in the runoff, True the Vote might have spent its time and money elsewhere. And so on and so forth.” (internal citations omitted)).

Influencing means affecting or altering. Thus, expenditures seek to influence an election when they aim to affect or alter its result — for instance, when they target the election or defeat of a clearly identified [political] candidate.

Here, the Commission had compelling reason to believe that True the Vote sought to alter or affect the result of the 2021 Georgia runoff. True the Vote “partnered” with the Georgia Republican Party, an entity “whose fundamental purpose is to help Republicans win elections,” in pursuing its election-related aims in Georgia. And in discussing the 2020 Presidential election, True the Vote’s leadership emphasized that “[m]ost . . . illegal votes” were “counted in Democrat counties” and “suppress[ed] legitimate results.” At least one of its donors was more candid still, describing efforts — in the aftermath of the 2020 election — to “win [the election for President Trump] by eliminating votes and changing the count.” This evidence provides compelling reasons to believe that True the Vote participated in the Georgia runoff election to help elect Republicans rather than Democrats.<sup>43</sup>

Consistent with that opinion, the expenditures at issue in this matter appear to have been made for the purpose of influencing a federal election. In analyzing whether a payment made by a third party is a “contribution” or “expenditure,”<sup>44</sup> the Commission has concluded that “the question under the Act is whether” the donation, payment, or service was “provided for the purpose of influencing a federal election [and] not whether [it] provided a benefit to [a federal candidate’s] campaign.”<sup>45</sup> The electoral purpose of a payment may be clear on its face, as in payments to solicit contributions or for communications that expressly advocate for the election or defeat of a specific candidate, or inferred from the surrounding circumstances.<sup>46</sup>

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<sup>43</sup> *Common Cause*, 2023 WL 6388883 at \*9 (internal citations omitted); *see infra* note 49 and accompanying text.

<sup>44</sup> 52 U.S.C. § 30101(8)(A)(i), (9)(A)(i).

<sup>45</sup> F&LA at 6, MUR 7024 (Van Hollen for Senate).

<sup>46</sup> *See, e.g.*, Advisory Opinion 1990-05 at 4 (Mueller) (“AO 1990-05”) (explaining that solicitations and express advocacy communications are for the purpose of influencing an election and concluding, after examining circumstances of the proposed activity, that a federal candidate’s company newsletter featuring discussion of the campaign resulted in contributions); Advisory Opinion 1988-22 at 5 (San Joaquin Valley Republican Assocs.)

1           As described above, the available information indicates an electoral purpose for True the  
 2   Vote’s activities in connection with the 2021 Georgia Senate runoff. The court noted that “True  
 3   the Vote ‘partnered’ with the Georgia Republican Party, an entity ‘whose fundamental purpose is  
 4   to help Republicans win elections’ in pursuing its election-related aims in Georgia.”<sup>47</sup>  
 5   Documents and statements indicate that True the Vote undertook its activities in Georgia in order  
 6   to “assist with the Senate runoff election process,” and that such actions were motivated by  
 7   “what happened in November.”<sup>48</sup> True the Vote has further stated that voter fraud occurs in  
 8   “Democrat counties” and is “suppressing legitimate results.”<sup>49</sup> Finally, emails summarizing  
 9   conversations between True the Vote’s legal counsel and donors link True the Vote’s efforts to  
 10   “win by eliminating votes and changing the count.”<sup>50</sup> As the district court noted, this

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(concluding that third-party newspaper publishing comments regarding federal candidates, coordinated with those candidates or their agents, thereby made contributions because “the financing of a communication to the general public, not within the ‘press exemption,’ that discusses or mentions a candidate in an election-related context and is undertaken in coordination with the candidate or his campaign is ‘for the purpose of influencing a federal election’”); F&LA at 17-20, MURs 4568, 4633, 4634 (Triad Mgmt. Servs., Inc.) (finding reason to believe a corporation and related nonprofit organizations made contributions by providing federal candidates with “uncompensated fundraising and campaign management assistance” and “advertising assistance,” including spending “several million dollars” on coordinated advertisements).

<sup>47</sup>       *Common Cause*, 2023 WL 6388883 at \*9.

<sup>48</sup>       True the Vote Press Release; True the Vote Email Announcement; *see also Common Cause*, 2023 WL 6388883 at \*2.

<sup>49</sup>       Engelbrecht TX Decl., Ex. 3 at 4 (“There is significant evidence that there are numerous instances of illegal ballots being cast and counted in the 2020 general election. Most of these illegal votes are being counted in Democrat counties and are suppressing legitimate results. This is a result of Democrat officials’ refusal to obey state election laws and counting illegal votes. It is also the result of deliberate election fraud. This situation has been aided by the Democrat’s [*sic*] deliberate effort to radically expand mail-in balloting creating myriad opportunities for voter fraud that does not exist with in-person voting.”); *see also Common Cause*, 2023 WL 6388883 at \*9.

<sup>50</sup>       Engelbrecht TX Decl., Ex. 4 at 5 (providing November 12, 2020 email from Tom Crawford to Fred Eshelman discussing a call with True the Vote’s counsel stating “The path to win by eliminating votes and changing the count is clear. We also have the other avenues if needed (go to House, etc.). . . . We are arranging for Senator Graham’s investigative staff to hear the stories and view evidence this evening. If they are good we will hand the whistleblowers to them to get sworn and start talking to government officials and law enforcement. We are providing legal representation and resources to whistleblowers.”); *see also Common Cause*, 2023 WL 6388883 at \*17 (“At least one of its donors was more candid still, describing efforts — in the aftermath of the 2020 election — to ‘win [the election for President Trump] by eliminating votes and changing the count.’”).

information, “provides compelling reasons to believe that True the Vote participated in the Georgia runoff election to help elect Republicans rather than Democrats.”<sup>51</sup>

As a result, the available information suggests that True the Vote’s activities in Georgia were undertaken for the purpose of influencing the runoff election.

\* \* \*

In conclusion, it appears that True the Vote provided services to the Georgia GOP in the form of various services including a state-wide ballot challenge, voter hotline, ballot-curing support, signature verification training, absentee ballot drop box monitoring, and other election integrity initiatives in connection with the 2021 Senate runoff election in Georgia. Public statements from True the Vote and Georgia GOP officials as well as True the Vote’s own explanation of a meeting with the Georgia GOP indicate that these services were coordinated and therefore should have been treated like services from any other vendor and reported as in-kind contributions or else paid for at their fair market value and reported as disbursements.

**B. The Commission Finds Reason to Believe That the Georgia GOP Failed to Disclose the In-Kind Contributions It Received from True the Vote**

As the district court stated, “FECA requires disclosure of ‘[a]ny expenditure . . . made in cooperation, consultation, or concert with, or at the request or suggestion of . . . a political party.’”<sup>52</sup> Specifically, the Act and Commission regulations require political committees to file periodic reports accurately disclosing all of their receipts, disbursements, and debts and obligations, including coordinated expenditures.<sup>53</sup> These disclosure requirements serve

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<sup>51</sup> *Common Cause*, 2023 WL 6388883 at \*9.

<sup>52</sup> *Common Cause*, 2023 WL 6388883 at \*7 (quoting 11 C.F.R. § 109.20).

<sup>53</sup> 52 U.S.C. § 30104; 11 C.F.R. § 104.3.

important transparency and anticorruption interests, as they “provide the electorate with information as to where political campaign money comes from and how it is spent[,] . . . [and] deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity.”<sup>54</sup> Political committees must report the total amount of all receipts and disbursements for the reporting period;<sup>55</sup> itemize the name and address of each person from whom the committee received contributions aggregating in excess of \$200 in a calendar year along with the dates and amounts of the contributions;<sup>56</sup> and itemize the name and address of each person to whom the committee made expenditures exceeding, in aggregate amount or value, \$200 per calendar year as well as the date, amount, and purpose of the expenditures.<sup>57</sup> A coordinated expenditure must be reported as both a contribution received by, and an expenditure made by, the political committee with whom the expenditure was coordinated.<sup>58</sup>

The available information indicates that the Georgia GOP failed to disclose any contribution or expenditure information in connection with its self-described partnership with True the Vote, including the dates, amounts, and purposes of the in-kind contributions. Accordingly, the Commission finds reason to believe that the Georgia GOP violated 52 U.S.C.

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<sup>54</sup> *Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976); see *Citizens United v. FEC*, 558 U.S. 310, 369-71 (2010) (describing importance of disclosure requirements because “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages”).

<sup>55</sup> 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a)(2), (b)(1).

<sup>56</sup> 52 U.S.C. § 30104(b)(3)(A); 11 C.F.R. § 104.3(a)(4)(i).

<sup>57</sup> 52 U.S.C. § 30104(b)(5)(A); 11 C.F.R. § 104.3(b)(3)(i).

<sup>58</sup> 11 C.F.R. § 104.13(a)(2); see also *Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 422 (Jan. 3, 2003) (explaining that committees must report coordinated expenditures in this manner in order to not overstate cash-on-hand balances).



MUR 7894R (Georgia Republican Party, Inc.)

Factual and Legal Analysis

Page 16 of 16

- 1 § 30104(b) and 11 C.F.R. § 104.3(a) and (b) by failing to report required information in its
- 2 Commission filings.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of	)	
	)	
Georgia Republican Party, Inc.,	)	MUR 7894R
and Laurie L. McClain in her	)	
official capacity as treasurer	)	

### CONCILIATION AGREEMENT

This matter was generated by a complaint filed with the Federal Election Commission. The Commission found reason to believe that the Georgia Republican Party, Inc. and Laurie L. McClain in her official capacity as treasurer (the “Georgia GOP” or “Respondent”) violated 52 U.S.C. § 30104(b) of the Federal Election Campaign Act of 1971, as amended (the “Act”) and 11 C.F.R. § 104.3(a), (b) of the Commission’s regulations by failing to report in-kind contributions it received from True the Vote in the form of the various expenditures that True the Vote made in coordination with the Georgia GOP regarding the 20 Senate runoff election in Georgia.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this Agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to respond to the Complaint and the Commission’s finding of Reason to Believe in this matter to demonstrate to the Commission that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

- . Respondent is a state committee of the Republican Party.
  - . True the Vote is a non-profit corporation organized under section 501(c)(3) of the tax code that has described itself as the “country’s largest voters’ rights organization” and as being “well-known for our ability to lead unified national plans to protect election integrity.”
  - . True the Vote’s founder and president, Catherine Engelbrecht, wrote in an email announcement that the organization had received “a request from the [Georgia GOP] to provide publicly available nonpartisan signature verification training, a 24x7 voter hotline, ballot-curing support, and more.”
  - . In a press release on December 14, 2020, True the Vote announced what it termed its “partnership” with Respondent to assist with the Senate runoff election process. The announcement included a statement from Respondent’s then-Chairman David Shafer, noting that: “[w]e are grateful for the help of the True the Vote team in the fight for election integrity. . . . The resources of True the Vote will help us to organize and implement the most comprehensive ballot security initiative in Georgia history.”
  - . Three days after announcing its partnership with the Respondent, True the Vote challenged of the eligibility of 364,541 registered Georgia voters, which required that it locate a Georgia resident in each of Georgia’s 159 counties to challenge the ballots identified by True the Vote for their county.
6. In court filings, True the Vote, along with its vendor OpSec, described its efforts in Georgia as involving the ability to “design a methodology that will provide challengers with the data necessary to challenge elections by identifying specific unqualified voters on a

county[-]by[-]county basis.” True the Vote also claimed in its filing that it “also successfully helped submit the largest pre-election set of challenges in American history in Georgia.”

7. When the Commission initially considered this matter, the Commission did not find reason to believe a violation occurred. Complainant sought review by the U.S. District Court for the District of Columbia, in a proceeding Respondent was not a party to, which found the Commissions failure to find reason to believe arbitrary and capricious.

8. Respondent did not consider the activity of True the Vote to be a contribution and therefore did not report any contributions from True the Vote on either its 2020 Year-End Report or in its 2021 February Monthly Report. To date, Respondent has not reported any contributions from True the Vote, nor has it reported any payments to True the Vote for services rendered.

9. Under the Act, the terms “contribution” and “expenditure” include “anything of value” given or made by any person for the purpose of influencing an election. 52 U.S.C. § 30101(8)(A)(i), (9)(A)(i). Additionally, “expenditures made by any person (other than a candidate or candidate’s authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee.” *Id.* § 30116(a)(7)(B)(ii); 11 C.F.R. § 109.20(b). “Coordinated” means “made in cooperation, consultation or concert with, or at the request of suggestion of, a candidate, a candidate’s authorized committee, or a political party committee.” 11 C.F.R. § 109.20(a).

0. The Act and Commission regulations require political committees to file periodic reports accurately disclosing all of their receipts, disbursements, and debts and obligations, including coordinated expenditures. 52 U.S.C. § 30104; 11 C.F.R. § 104.3. Political

committees must report the total amount of all receipts and disbursements for the reporting period; itemize the name and address of each person from whom the committee received contributions aggregating in excess of \$200 in a calendar year along with the dates and amounts of the contributions; and itemize the name and address of each person to whom the committee made expenditures exceeding, in aggregate amount or value, \$200 per calendar year as well as the date, amount, and purpose of the expenditures. *See id.* A coordinated expenditure must be reported as both a contribution received by, and an expenditure made by, the political committee with whom the expenditure was coordinated. 11 C.F.R. § 104.13(a)(2); *see also* Coordinated and Independent Expenditures, 68 Fed. Reg. at 422 (explaining that committees must report coordinated expenditures in this manner in order to not overstate cash-on-hand balances).

. True the Vote engaged in various activities that accrued to the benefit of GA GOP, and were subsequently determined by a Court as having been coordinated and an in-kind contribution to the GA GOP. Accordingly, True the Vote made, and Respondent accepted in-kind contributions in the form of coordinated expenditures. The coordinated expenditures included, at a minimum, the provision of various services to implement a state-wide ballot challenge, a voter hotline, ballot-curing support, signature verification training, absentee ballot drop box monitoring, and other election integrity initiatives.

V. Respondent disputes and denies the allegations, and the findings of the U.S. District Court. It is entering into this agreement solely for the purpose of settling this matter expeditiously and avoiding the expense of litigation, without admission with respect to this or any other proceeding, and contends it would have disputed the allegation in court but Respondent neither received notice of the court proceeding nor had the opportunity to participate as a party in the proceeding. Respondent represents that True the Vote has declined to provide

MUR 7894R (Georgia Republican Party, Inc.)

Conciliation Agreement

Page 5 of 6

information regarding the costs of the services at issue and intends to report the amount of the in-kind contribution as \$500,000 based upon consultation with Commission staff and an agreed upon good-faith estimate derived from available information.

VI. Respondent violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) and (b) by failing to disclose contribution or expenditure information in connection with True the Vote, including the dates, amounts, and purposes of the in-kind contributions.

VII. Respondent will take the following actions:

. Respondent will pay a civil penalty to the Commission in the amount of Fourteen Thousand Five Hundred Dollars (\$14,500), pursuant to 5 U.S.C. § 30109(a)(5)(A).

. Respondent will amend its disclosure reports to report the amount of the in-kind contribution from True the Vote as \$500,000 in consultation with Commission staff and based on a good-faith estimate derived from available information.

. Respondent will cease and desist from violating U.S.C. § 301 04(b) and C.F.R. § 104.3(a) and (b).

VIII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this Agreement. If the Commission believes that this Agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This Agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

X. Respondent shall have no more than 120 days from the date this Agreement

MUR 7894R (Georgia Republican Party, Inc.)  
 Conciliation Agreement  
 Page 6 of 6

becomes effective to comply with and implement the requirements contained in this Agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written Agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson  
 Acting General Counsel

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

Digitally signed by  
 Charles Kitcher  
 Date: 2024.07.22  
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7/22/24  
 Date

FOR THE RESPONDENT:

  
 (Name)  
 (Position)

Alex B. Kaufman  
 General Counsel, Georgia  
 Republican Party, Inc.

6/3/2024  
 Date



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Georgia Republican Party, <i>et al.</i>	)	MUR 7894R
	)	

**STATEMENT OF REASONS OF VICE CHAIR ELLEN L. WEINTRAUB AND  
COMMISSIONER SHANA M. BROUSSARD**

In 2020 and 2021, True the Vote, a 501(c)(3) non-profit corporation, undertook various “election-integrity” measures leading up to the highly contested U.S. Senate runoff election in Georgia. These measures included a voter hotline, ballot-curing support, signature-verification training, absentee ballot drop box monitoring, and ultimately challenging the eligibility of 364,541 registered Georgia voters.<sup>1</sup> Common Cause Georgia filed a complaint with the Commission, alleging that these measures were coordinated with the Georgia Republican Party in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).

In support of the allegations, the complaint provided compelling evidence. An email by True the Vote’s founder and President, Catherine Engelbrecht, announced that True the Vote received a “request from the Georgia Republican Party to provide publicly available nonpartisan signature verification training, a 24x7 vote hotline, ballot-curing support, and more.”<sup>2</sup> Six days later, True the Vote issued a press release announcing “its partnership with the Georgia Republican Party to assist with the Senate runoff election process, including publicly available signature verification training, a statewide voter hotline, monitoring absentee ballot drop boxes, and other election integrity initiatives.”<sup>3</sup> The email and press release indicate that True the Vote undertook these measures at the request of and in partnership with the Georgia Republican Party. The record demonstrates that True the Vote implemented this partnership carrying out the activities as planned in conjunction with the Georgia Republican Party.<sup>4</sup>

The Commission’s non-partisan Office of General Counsel analyzed the complaint and recommended that the Commission find reason to believe that True the Vote and the Georgia Republican Party violated the Act by making and receiving prohibited corporate contributions and by failing to

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<sup>1</sup> First. Gen. Counsel’s Rpt. at 4, MUR 7894 (True the Vote, *et al.*).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 5.

<sup>4</sup> *Id.* at 5-8.



MUR 7894R (Georgia Republican Party, *et al.*)  
Statement of Vice Chair Ellen L. Weintraub and Commissioner Shana M. Broussard

report those contributions on the Georgia Republican Party's disclosure reports with the Commission.<sup>5</sup> We agreed that the public statements made by True the Vote and the other available information in the record established a strong case for finding reason to believe that True the Vote and the Georgia Republican Party violated 52 U.S.C. § 30118(a) (the corporate contribution ban) and that the Georgia Republican Party violated 52 U.S.C. § 30104(b) (reporting requirements), and voted accordingly.<sup>6</sup> Unfortunately, the Commission could not then garner sufficient votes to find reason to believe and investigate.<sup>7</sup>

Subsequently, Common Cause Georgia challenged the Commission's failure to find reason to believe in federal court.<sup>8</sup> The Court determined that Common Cause had standing to challenge the Commission's failure to investigate Common Cause's disclosure claim — that the Georgia Republican Party failed to disclose the in-kind contributions from True the Vote.<sup>9</sup> And on the merits of that claim, the Court determined that True the Vote's public statements gave the Commission a "concrete and plausible factual basis" and "compelling reasons" to believe that True the Vote's measures were in partnership with or at the request of the Georgia Republican Party and that those measures were for the purpose of influencing a federal election.<sup>10</sup> Concluding that our fellow commissioners' rationale was arbitrary and capricious, the Court ordered the Commission to conform with the Court's order, vindicating our August 2022 votes to find reason to believe that the Georgia Republican Party and True the Vote violated the law.<sup>11</sup>

In response to the remand, two commissioners switched their original votes and joined us to find reason to believe that the Georgia Republican Party failed to properly *disclose* the in-kind contributions from True the Vote.<sup>12</sup> Despite this, and to our frustration, the Commission still could not garner the necessary four votes to proceed on the allegations that the Georgia Republican Party *received* the corporate contributions, even on remand.<sup>13</sup> Although the Court held that Common Cause did not have

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<sup>5</sup> *Id.* at 11-20.

<sup>6</sup> Cert., MUR 7894 (True the Vote, *et al.*) (Aug. 11, 2022). The "reason to believe" finding is the threshold determination that the Commission must make to initiate an enforcement action. 52 U.S.C. § 30109(a)(2). The Commission will find "reason to believe" where the available evidence in the Matter is at least sufficient to warrant conducting an investigation, and where the seriousness of the alleged violation warrants either further investigation or immediate conciliation. Statement of Policy Regarding Commission Action in Matters at the Initial State in the Enforcement Process, 89 Fed. Reg. 19729, 19730 (Mar. 20, 2024). As one court observed: "[T]he reason-to-believe" standard sets a "low bar." *Common Cause Georgia v. F.E.C.* (No. 22-cv-3067) (D.D.C.) (Sept. 29, 2023) *quoting* Campaign Legal Ctr., 2022 WL 17496220 at 8.

<sup>7</sup> Cert., MUR 7894 (True the Vote, *et al.*) (Aug. 11, 2022).

<sup>8</sup> Complaint, *Common Cause Georgia v. FEC*, [https://www.fec.gov/resources/cms-content/documents/clca\\_compl\\_for\\_declaratory\\_and\\_injunctive\\_relief\\_10-10-2022.pdf](https://www.fec.gov/resources/cms-content/documents/clca_compl_for_declaratory_and_injunctive_relief_10-10-2022.pdf).

<sup>9</sup> Memorandum Opinion at 11 (Sept. 9, 2023), *Common Cause Georgia v. FEC*, <https://www.fec.gov/resources/cms-content/documents/usdcdc-mem-opinion-09-29-2023.pdf>.

<sup>10</sup> *Id.* at 13, 17.

<sup>11</sup> *Id.* at 12, 16; *see also* Order of the Court at 1 (Sept. 9, 2023); *Common Cause Georgia v. FEC*, <https://www.fec.gov/resources/cms-content/documents/usdcdc-order-09-29-2023.pdf>; Cert., MUR 7894 (True the Vote, *et al.*) (August 11, 2022).

<sup>12</sup> Cert., MUR 7894 (True the Vote, *et al.*) (Aug. 11, 2022).

<sup>13</sup> Cert., MUR 7894R (Georgia Republican Party) (Oct. 17, 2023).

MUR 7894R (Georgia Republican Party, *et al.*)  
Statement of Vice Chair Ellen L. Weintraub and Commissioner Shana M. Broussard

standing to challenge the Commission’s decision regarding the corporate contribution allegations, the Commission retains jurisdiction over all violations of the Act. It is clear from the Court’s holding on the merits that the Commission should have also found reason to believe that True the Vote made, and the Georgia Republican Party received, illegal corporate contributions. The Court stated in no uncertain terms, that “the[] facts left [the controlling commissioners] no room to conclude that the Commission lacked reason to believe that True the Vote and the Georgia Republican Party coordinated.”<sup>14</sup> At the risk of stating the obvious: the Georgia Republican Party would only be required to *disclose* in-kind contributions if True the Vote *made* in-kind contributions. Since True the Vote is indisputably a 501(c)(3) corporation, those contributions were illegal corporate contributions. This is the only logical way to apply the Court’s opinion.

Although this vote was logically inconsistent, half a loaf is better than none. We attempted to pursue the disclosure violation in a meaningful way in furtherance of the agency’s disclosure mission by voting to commence an investigation to determine how much True the Vote spent on in-kind contributions to the Georgia Republican Party. However, our colleagues did not join us in authorizing that investigation, which prevented the Commission from accurately determining the amount of in-kind contributions that the Georgia Republican Party should have disclosed on their amended disclosure reports.<sup>15</sup> A single subpoena to True the Vote could have uncovered this information. In failing to use the Commission’s authority to get to the bottom of the key disclosure issue — how much money was spent in coordination with the party committee — we believe the Commission failed to fully conform with the letter and the spirit of the Court’s decision.<sup>16</sup>

We ultimately voted to approve the conciliation agreement with the Georgia Republican Party.<sup>17</sup> This resolution will supplement the public record to reflect that True the Vote’s “election-integrity” measures were significant in-kind contributions to the Georgia Republican Party and are disclosed as such on their disclosure reports. Unfortunately, there is no way of knowing whether the \$500,000 that the Georgia Republican Party has agreed to disclose captures all of True the Vote’s coordinated spending. Because our colleagues refused to issue a subpoena to True the Vote, we are left with an imprecise estimate. The Commission’s action did not go far enough. While we approved the conciliation

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<sup>14</sup> Memorandum Opinion at 14.

<sup>15</sup> Cert., MUR 7894R (Georgia Republican Party) (Jan. 23, 2024).

<sup>16</sup> Order of the Court at 1 (Sept. 9, 2023); *Common Cause Georgia v. FEC*, <https://www.fec.gov/resources/cms-content/documents/usdcdc-order-09-29-2023.pdf>.

<sup>17</sup> Cert., MUR 7894R (Georgia Republican Party) (June 25, 2024).

MUR 7894R (Georgia Republican Party, *et al.*)  
Statement of Vice Chair Ellen L. Weintraub and Commissioner Shana M. Broussard

agreement as the best result we could achieve under the circumstances, we regret that we did not have support to fully address the Court's opinion and remand order, to hold True the Vote and the Georgia Republican Party accountable for all of their actions, and to vindicate the public's interest in full and accurate disclosure.

July 23, 2024

Date



\_\_\_\_\_  
Ellen L. Weintraub  
Vice Chair

July 23, 2024

Date



\_\_\_\_\_  
Shana M. Broussard  
Commissioner