



**FEDERAL ELECTION COMMISSION**

Washington, D.C. 20463

May 4, 2022

**MEMORANDUM**

**TO:** The Commission

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

Charles Kitcher  
Associate General Counsel for Enforcement

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

Richard L. Weiss *RLW*  
Attorney

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

**I. INTRODUCTION**

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

<sup>1</sup> Certification ¶ 2 (Apr. 28, 2022).

<sup>2</sup> *Id.* ¶¶ 3-4.

<sup>3</sup> *Id.* ¶¶ 5, 7.

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

**II. RECOMMENDATIONS**

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