



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
NRSC and Keith Davis in his official)	MUR 8071
capacity as treasurer)	
)	

**STATEMENT OF REASONS OF
COMMISSIONERS ALLEN J. DICKERSON, DARA LINDENBAUM AND JAMES E.
“TREY” TRAINOR, III**

The Complaint in this matter alleged that the NRSC paid for \$3.6 million of campaign activities from its legal proceedings account in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).¹ This Statement addresses only a tiny sliver of that \$3.6 million – a \$28,000 disbursement on January 19, 2021 to America Rising that the NRSC disclosed as “research” in reports filed with the Commission.² The NRSC further explained in its Response, supported by the sworn Declaration of its General Counsel, that the \$28,000 was for research in preparation for litigation related to the January 5, 2021 Georgia U.S. Senate runoff election.³ The Act provides that national party committees, such as the NRSC, may establish a legal proceedings account to “defray expenses incurred with respect to the preparation for and the conduct of election recounts and contests and other legal proceedings.”⁴ Nevertheless, the Office of General Counsel (“OGC”) recommended that the Commission find reason to believe that the NRSC violated 52 U.S.C. §§ 30116(f) and 30125(a)(1) because America Rising marketed itself as an opposition research firm, not a legal research firm, and the disbursement was disclosed as “research,” as opposed to “legal research.”⁵ Further, OGC argued that the NRSC in its Response did not describe how the research related to its preparation for potential litigation.⁶

We disagreed with OGC’s analysis on this disbursement. The NRSC’s General Counsel credibly attested, under penalty of perjury, that the disbursement was made from its legal proceedings account for research in preparation of potential litigation. The timing of the disbursement, two weeks after the runoff election, supported the General Counsel’s Declaration.

¹ Compl. at 3 (Sept. 19, 2022).

² *Id.* at 4.

³ NRSC Resp. (Dec. 21, 2021), Declaration of Ryan Dollar ¶ 5.

⁴ 52 U.S.C. § 30116(a)(9)(C).

⁵ First Gen. Counsel’s Rpt. at 30-31 (Oct. 26, 2023).

⁶ *Id.* at 31.

Contrary to OGC’s analysis, research in preparation of litigation is not limited to traditional legal research but can include innumerable other types of research necessary to prepare for potential litigation. Furthermore, given the sensitivities and potential application of privileges, NRSC was under no obligation to detail in its Response how the research related to its preparation for potential litigation. Therefore, we voted to find no reason to believe that the NRSC violated 52 U.S.C. §§ 30116(f) and 30125(a)(1) by disbursing funds from its legal proceedings account to America Rising for “research.”⁷

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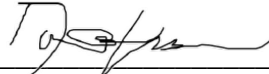
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Allen J. Dickerson
Commissioner

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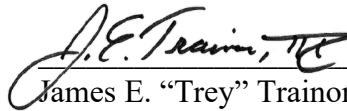
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Dara Lindenbaum
Commissioner

4/9/24

Date



James E. “Trey” Trainor, III
Commissioner

⁷ Certification ¶ 2 (Mar. 1, 2024). Commissioner Lindenbaum otherwise voted to approve OGC’s recommendations in the First General Counsel’s Report. Certification ¶¶ 2a, 3a, 6a (Feb. 12, 2024). Commissioners Dickerson and Trainor disagreed with OGC’s recommendations for the reasons given in their separate statement of reasons in this Matter.