



FEDERAL ELECTION COMMISSION
Washington, DC

November 25, 2024

VIA ELECTRONIC MAIL

msanderson@capdale.com

Matthew T. Sanderson, Esq.

Caplin & Drysdale

One Thomas Circle NW

Suite 1100

Washington, DC 20005

RE: MUR 8212
Country Over Party PAC (f/k/a
Kinzinger for Congress) and Paul
Kilgore in his official capacity as
treasurer

Dear Mr. Sanderson:

On October 24, 2024, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e)(3) by failing to timely remedy general election contributions, provisions of the Federal Election Campaign Act of 1971, as amended, and Commission regulations. Accordingly, the file has been closed 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). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. Payment can be made online by debit, credit card, or automated clearing house (ACH) withdrawal, using this link to the government's secure portal for online collections: <https://www.pay.gov/public/form/start/316805379>. Payment can also be made by check or money order payable to the Federal Election Commission and sent via regular mail to the Federal Election Commission, 1050 First Street NE, Washington, DC 20463, or by courier or overnight

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delivery to the same address but with a different zip code (20002). Please write the matter number "MUR 8212 civil penalty" on the memo line of the check. If you have any questions, please contact me at csoupios@fec.gov or (202) 251-3381.

Sincerely,

Constantine Souprios

Constantine V. Souprios
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 8212
Country Over Party PAC)	
(f/k/a Kinzinger for Congress))	
and Paul Kilgore in his Official)	
capacity as treasurer)	
)	

CONCILIATION AGREEMENT

This matter was initiated pursuant to information ascertained by the Federal Election Commission (“Commission”) in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Country Over Party PAC (f/k/a Kinzinger for Congress) and Paul Kilgore in his official capacity as treasurer (“Respondent” or “Committee”) violated 52 U.S.C. § 30116(f) of the Federal Election Campaign Act of 1971, as amended (the “Act”), and 11 C.F.R. § 102.9(e)(3) of the Commission’s regulations.

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 demonstrate that no action should be taken in this matter.

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

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

1. At the time of the activity in this matter during the 2021-2022 election cycle the Committee was known as Kinzinger for Congress and was the principal campaign committee of U.S. Representative Adam Kinzinger. On October 29, 2021, Kinzinger announced his retirement from Congress and did not participate in the 2022 primary election. The Committee filed an Amended Statement of Organization on February 21, 2023, changing its name to Country Over Party PAC and its committee type to a nonqualified PAC. Paul Kilgore is the Committee's treasurer.

2. During the 2021-2022 election cycle, the Act and Commission regulations limited an authorized committee to accepting a total of \$2,900 per election from any individual and \$5,000 per election from a multicandidate committee. 52 U.S.C. §§ 30116(a)(1)(A), (a)(2)(A), (f); 11 C.F.R. §§ 110.9, 110.1(a)-(b); *see Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold*, 86 Fed. Reg. 7867, 7869 (Feb. 2, 2021).

3. A primary election and a general election are each considered a separate "election," and the individual contribution limits are applied separately with respect to each election. 52 U.S.C. §§ 30101(l)(A), 30116(a)(6); 11 C.F.R. §§ 100.2, 110.1, 110.2. The Commission's regulations permit a candidate or his authorized committee to receive contributions for the general election prior to the primary election. 11 C.F.R. § 102.9(e)(1). If, however, the candidate does not become a candidate in the general election, the committee must: (1) refund the contributions designated for the general election; (2) redesignate such contributions in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); or (3) reattribute such contributions in accordance with 11 C.F.R. § 110.1(k)(3). 11 C.F.R. § 102.9(e)(3). The committee must so within 60 days of the date that the committee has actual notice of the need to redesignate, reattribute, or refund the contributions, such as the date the candidate loses

the primary or withdraws from the campaign. 11 C.F.R. §§ 110.1(b)(3)(i), (b)(5); 110.2(b)(3)(i), (b)(5); 103.3(b)(3).

4. Respondent accepted contributions designated for the 2022 general election totaling \$133,450, prior to the primary election, but failed to redesignate, reattribute or refund the contributions within 60 days after the candidate withdrew from the race on October 29, 2021, by announcing his retirement from Congress.

5. Respondent has identified \$65,650 of the excessive contributions at issue that Respondent represents would have been available for reattribution to contributors' spouses and that the spouses are eligible contributors that had not already contributed to the Committee.

6. Respondent contends the contributions were not timely remedied because of a software issue it was unaware of at the time of Kinzinger's retirement. Respondent also contends the contributions were remedied promptly after it became aware of the software issue.

V. Respondent violated 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e)(3) by failing to timely refund, reattribute, or redesignate general election contributions, which resulted in excessive contributions totaling \$133,450.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Nineteen Thousand Dollars (\$19,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30116(f) and 11 C.F.R. § 102.9(e)(3).

VII. 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.

VIII. 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.

IX. Respondent shall have no more than 30 days from the date this Agreement becomes effective to comply with and implement the requirements contained in this Agreement and to so notify the Commission.

X. 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 in this written Agreement shall be enforceable

FOR THE COMMISSION:

**Lisa Jane
Stevenson** Digitally signed by Lisa
Jane Stevenson
Date: 2024.11.15
12:09:21 -05'00'

Lisa J. Stevenson
Acting General Counsel

Date

FORTHE RESPONDENT:



Treasurer

September 25, 2024

(name)
(position)

Date