

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSH HAWLEY FOR SENATE,)	
)	
Plaintiff,)	Civ. No. 22-1275 (EGS)
)	
v.)	
)	
FEDERAL ELECTION COMMISSION,)	NOTICE
)	
Defendant.)	
)	

**FEDERAL ELECTION COMMISSION’S NOTICE
OF SUBSEQUENT DEVELOPMENTS**

The Federal Election Commission (“FEC” or “Commission”) hereby provides notice of subsequent factual developments. The composition of the Commission recently changed, with Dara Lindenbaum sworn in a Commissioner on August 2, 2022. FEC, *Dara Lindenbaum Sworn In As Commissioner* (Aug. 2, 2022), <https://www.fec.gov/updates/dara-lindenbaum-sworn-in-as-commissioner/>. Soon thereafter, on August 29, 2022, there was a successful vote to close the file in FEC Matters Under Review (“MURs”) 7427, 7497, 7524, and 7553, administrative enforcement matters as to which plaintiff Josh Hawley for Senate has sought records from the Commission pursuant to the Freedom of Information Act (“FOIA”). Plaintiff is a respondent in one of these matters: MUR 7524. As a result of these file closures, certain information from the MURs that was the subject of previous exemption claims, including Commissioner vote certifications and statements of reasons, will be released, and plaintiff will shortly have the central information it has sought here. These were the four MURs cited in the complaint in the private action filed against plaintiff that plaintiff has described as the reason for the FOIA

request at issue in this case. *See* Compl. ¶¶ 25-26; Complaint for Declaratory and Injunctive Relief ¶¶ 118-26, *Giffords v. NRA, et al.*, Civ. No. 21-2887 (D.D.C. Nov. 2, 2021).

The FEC Commissioners voted 4-1 (with one abstention) to close the files in MURs 7427, 7497, 7524, and 7553. Respondents in these proceedings have been notified of this action, including plaintiff as to MUR 7524. As a result, the Commission will place on the public record categories of documents integral to its decision-making process in the MURs, including certifications of Commission votes and Commissioner statements of reasons, in accord with the agency's disclosure policy. *See* FEC, Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702, 50,703 (Aug. 2, 2016). The Commission will do so as soon as practicable and generally endeavors to do so within 30 days. *Id.*

Because the release of the file materials for MURs 7427, 7497, 7524, and 7553 will provide plaintiff with the central information sought in this FOIA litigation, the Commission will confer with plaintiff to determine whether its claims may be dismissed, and the extent to which there is a need for further briefing, including the Commission's motion for summary judgment currently due on September 23, 2022. The Commission will then further update the Court.

Respectfully submitted,

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September 1, 2022

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