



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Georgia Republican Party, *et al.*) 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.¹ 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.”² 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.”³ 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.⁴

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

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

² *Id.*

³ *Id.* at 5.

⁴ *Id.* at 5-8.

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report those contributions on the Georgia Republican Party’s disclosure reports with the Commission.⁵ 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.⁶ Unfortunately, the Commission could not then garner sufficient votes to find reason to believe and investigate.⁷

Subsequently, Common Cause Georgia challenged the Commission’s failure to find reason to believe in federal court.⁸ 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.⁹ 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.¹⁰ 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.¹¹

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.¹² 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.¹³ Although the Court held that Common Cause did not have

⁵ *Id.* at 11-20.

⁶ 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.

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

⁸ 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.

⁹ 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>.

¹⁰ *Id.* at 13, 17.

¹¹ *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).

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

¹³ Cert., MUR 7894R (Georgia Republican Party) (Oct. 17, 2023).

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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.”¹⁴ 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.¹⁵ 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.¹⁶

We ultimately voted to approve the conciliation agreement with the Georgia Republican Party.¹⁷ 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

¹⁴ Memorandum Opinion at 14.

¹⁵ Cert., MUR 7894R (Georgia Republican Party) (Jan. 23, 2024).


¹⁶ 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>.

¹⁷ Cert., MUR 7894R (Georgia Republican Party) (June 25, 2024).

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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