



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

July 11, 2023

**VIA ELECTRONIC MAIL**

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Washington, D.C. 20003

RE: MUR 7908  
Marjorie Taylor Greene

Dear Messrs. Ross and Mr. Gast:

On May 25, 2021, the Federal Election Commission (the "Commission") notified your client, Marjorie Taylor Greene, of a complaint alleging that your client violated the Federal Election Campaign Act of 1971, as amended (the "Act"), and provided your client with a copy of the complaint.

After reviewing the allegations contained in the complaint, client's response, and publicly available information, the Commission on May 31, 2023, found reason to believe that Marjorie Taylor Greene violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.6, provisions of the Act and Commission regulations, by soliciting non-federal funds. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is enclosed for your information.

In order to expedite the resolution of this matter, the Commission has authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering to your client as a way to resolve this matter at an early stage and without the need for briefing the issue of whether or not the Commission should find probable cause to believe that your client violated the law.

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Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

If your client is interested in engaging in pre-probable cause conciliation, please contact Kimberly D. Hart, the attorney assigned to this matter, at (202) 694-1618 or (800) 424-9530, within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within sixty days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if your client is not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at <http://www.fec.gov/respondent.guide.pdf>.

Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>1</sup>

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act.

We look forward to your response.

On behalf of the Commission,



Dara Lindenbaum  
Chair

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<sup>1</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

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**FEDERAL ELECTION COMMISSION****FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Marjorie Taylor Greene

MUR 7908

**I. INTRODUCTION**

The Complaint alleges that U.S. Representative Marjorie Taylor Greene violated the Federal Election Campaign Act of 1971, as amended (the “Act”), and Commission regulations by soliciting non-federal funds to Stop Socialism Now PAC and Jason D. Boles in his official capacity as treasurer (“Stop Socialism Now”), an independent expenditure-only political committee (“IEOPC”). Greene appeared in a digital advertisement posted online in December 2020 that contains unrestricted solicitations of contributions to Stop Socialism Now related to the runoff and special runoff elections for U.S. Senate in Georgia held on January 5, 2021.

As explained below, whether or not Greene’s participation and statements in the communication, in context, constitute a solicitation of non-federal funds by Greene under the Commission’s objective standard, the subsequent sharing on Facebook and retweeting of the digital advertisement containing requests for contributions of unrestricted funds constitute a solicitation under the Act and the Commission’s regulations and precedent. Therefore, the Commission finds reason to believe that Marjorie Taylor Greene violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61 by soliciting non-federal funds.

1     **II.     FACTUAL BACKGROUND**

2             Marjorie Taylor Greene was a first-time candidate for the U.S. House of Representatives  
3 from Georgia in 2020.<sup>1</sup> On November 3, 2020, she won election as the U.S. Representative from  
4 Georgia’s 14th Congressional District.<sup>2</sup> Greene for Congress is her principal campaign  
5 committee.<sup>3</sup> Stop Socialism Now is an IEOPC registered with the Commission.<sup>4</sup>

6             Greene appeared in a digital advertisement posted by Stop Socialism Now on its  
7 Facebook page on December 3, 2020 (the “Advertisement”).<sup>5</sup> Greene speaks and appears on  
8 screen for approximately 47 seconds out of the Advertisement’s 60-second runtime.<sup>6</sup> The  
9 remaining 13 seconds — the first three seconds and the final ten seconds — of the  
10 Advertisement feature a narrator’s voiceover and on-screen text.<sup>7</sup>

11             The Advertisement opens with a narrator stating that “Stop Socialism Now PAC paid for  
12 this ad[vertisement] and is solely responsible for its content” against the backdrop of on-screen  
13 text “STOP SOCIALISM NOW” and a boxed text disclaimer “PAID FOR BY STOP

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<sup>1</sup> Marjorie Taylor Greene, Statement of Candidacy (May 29, 2019), <https://docquery.fec.gov/pdf/890/201905299149840890/201905299149840890.pdf>.

<sup>2</sup> *November 3, 2020, General Election — Results*, GA. SEC’Y OF STATE BRAD RAFFENSPERGER, (Nov. 20, 2020, 3:37 PM), <https://results.enr.clarityelections.com/GA/105369/web.264614/#/summary>; see Compl. ¶ 5 (May 21, 2021).

<sup>3</sup> Greene for Congress, Statement of Organization (June 4, 2019), <https://docquery.fec.gov/pdf/026/201906049149878026/201906049149878026.pdf>.

<sup>4</sup> Stop Socialism Now PAC, Statement of Organization (Aug. 19, 2020), <https://docquery.fec.gov/pdf/187/202008199261410187/202008199261410187.pdf>.

<sup>5</sup> Stop Socialism Now PAC, FACEBOOK (Dec. 3, 2020) [hereinafter Facebook Video], <https://www.facebook.com/StopSocialismNow/videos/206692941117651/>; Compl. ¶ 7 & n.6 (including link to Stop Socialism Now’s Facebook page where the Advertisement was posted).

<sup>6</sup> Facebook Video; Compl. ¶ 9.

<sup>7</sup> Facebook Video; Compl. ¶ 9.

1 SOCIALISM NOW PAC. NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE  
2 COMMITTEE.”<sup>8</sup> Greene then appears on screen, identifies herself by name, and says:

3 Imagine. Biden and Harris in the White House. Pelosi is Speaker.  
4 And Schumer runs the Senate. All because Georgia lost our two  
5 Senate runoff seats to Democrats Jon Ossoff and Raphael  
6 Warnock. First off, Democrats will end the filibuster so no one  
7 can stop them. Then they’ll add new Democrat states. They’ll  
8 pack the Supreme Court. They’ll take away our guns. Then  
9 they’ll add their open borders, Green New Deal, pro-abortion,  
10 socialist agenda. Stop Socialism Now PAC is fighting back, not  
11 quitting, by exposing Ossoff’s and Warnock’s radical agenda.  
12 Stop Socialism Now PAC will stop Ossoff and Warnock from  
13 stealing our Senate seats. It’s time to fight back now, before it’s  
14 too late.<sup>9</sup>

15 The Advertisement then cuts away from Greene and a narrator asks the viewer to “help  
16 save America and stop socialism. Make a contribution today to Stop Socialism Now PAC,  
17 because if Democrats win in Georgia, it’s all over for America.”<sup>10</sup> Accompanying on-screen text  
18 reads “SAVE AMERICA” and “STOP SOCIALISM” before encouraging the audience to  
19 “DONATE NOW” and to “STOP SOCIALISM NOW.”<sup>11</sup>

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<sup>8</sup> Facebook Video; Compl. ¶ 8.

<sup>9</sup> Facebook Video; Compl. ¶ 8 (transcribing the audio of the Advertisement); *id.* ¶¶ 10-12.

<sup>10</sup> Facebook Video; Compl. ¶¶ 8, 12.

<sup>11</sup> Facebook Video.



1            In the final seven seconds of the Advertisement, on-screen text includes a link directing  
2 to KeepGeorgiaRed.us (the “Donation Web Page”).<sup>12</sup> An archived version of that web address  
3 redirects to a web page hosted by Anedot — an online fundraising platform<sup>13</sup> — that states that  
4 the viewer should “[r]ush [their] emergency donation of \$5,000, \$2,500, \$1,000, \$500, \$100,  
5 \$50, or even as little as \$10 right away” and states that “[w]e must re-elect Senators Kelly

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<sup>12</sup> Facebook Video.

<sup>13</sup> See ANEDOT, <https://www.anedot.com/> (last visited Feb. 13, 2023).

1 Loeffler and David Perdue and KEEP GEORGIA RED!”<sup>14</sup> Beneath the donation form and  
 2 “Donate” button, the Donation Web Page includes smaller print stating the donor certifies certain  
 3 information by clicking “Donate”: that the donor is 18 years of age and is a U.S. citizen or  
 4 lawful permanent resident, the donation is not made on the credit or debit card of another, the  
 5 donor will not be reimbursed for the contribution, and the donation is not made from funds of a  
 6 federal contractor.<sup>15</sup> The smaller print also states that contributions to Stop Socialism Now are  
 7 not tax deductible, that Stop Socialism Now is independent and does not make contributions to  
 8 or coordinate with candidates or political parties, and that by virtue of Stop Socialism Now’s  
 9 status as an IEOPC registered with the Commission, it “may accept unlimited contributions from  
 10 individuals, corporations, PACs, unions and trade associations.”<sup>16</sup>

11 Stop Socialism Now posted the Advertisement on YouTube on December 12, 2020.<sup>17</sup>  
 12 Stop Socialism Now tweeted the Advertisement on December 26, 2020.<sup>18</sup> The text captions  
 13 accompanying Stop Socialism Now’s posts of the Advertisement on Facebook, YouTube, and

<sup>14</sup> *Stop Socialism Now PAC!*, ANEDOT (Jan. 14, 2021) [hereinafter Donation Web Page] (emphasis in original), keepgeorgiared.us [<https://web.archive.org/web/20210114185834/https://secure.anedot.com/stop-socialism-now/keep-ga-red-rd>].

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Stop Socialism Now PAC, *Help Stop Socialism NOW PAC Stop Schumer From Taking Over the Senate! DEFEAT THE DEMOCRATS!*, YOUTUBE (Dec. 12, 2020) [hereinafter YouTube Video], <https://www.youtube.com/watch?app=desktop&v=yBLLZulM27s>. The Complaint alleges that the Advertisement was posted on YouTube on January 11, 2021. Compl. ¶ 7. It appears that the video identified by the Complaint was posted by an account with the handle @MountaintopMedia nearly a month after the Advertisement was posted under Stop Socialism Now’s YouTube profile and six days after the date of the U.S. Senate runoff elections in Georgia. Neighborhood Research and Media (@MountaintopMedia), *Stop Socialism NOW PAC: Fight Back Now!*, YOUTUBE (Jan. 11, 2021) [hereinafter MountaintopMedia Video], <https://www.youtube.com/watch?v=rS9y4RgV7MU>.

<sup>18</sup> Stop Socialism Now PAC (@SSNPAC), TWITTER (Dec. 26, 2020, 1:45PM) [hereinafter Twitter Video], <https://twitter.com/SSNPAC/status/1342904503574659077?s=20&t=txr0uFEFqdo-tidqQ464Dw>.



1 Twitter all contain slightly revised and/or truncated versions of Greene’s statements in the  
2 Advertisement.<sup>19</sup>

3 Greene’s official Facebook page, which appears to be administered by Greene for  
4 Congress,<sup>20</sup> shared Stop Socialism Now’s Facebook post of the Advertisement on December 8,  
5 2020 — five days after Stop Socialism Now originally posted the Advertisement on Facebook.<sup>21</sup>  
6 Greene retweeted Stop Socialism Now’s tweet of the Advertisement on or about December 27,  
7 2020 — one day after Stop Socialism Now originally tweeted it.<sup>22</sup> Greene’s Facebook share and  
8 retweet both include the full Advertisement as well as the captions, repeating truncated versions  
9 of her statements, as originally appearing in Stop Socialism Now’s Facebook post and tweet.<sup>23</sup>

10 Greene’s Facebook share adds the following text caption: “SAVE AMERICA. STOP  
11 SOCIALISM. DEFEAT THE DEMOCRATS!” signed with Greene’s initials “-- MTG.”<sup>24</sup> The  
12 statements by the Advertisement’s narrator are not transcribed in the text of Stop Socialism  
13 Now’s Facebook post or tweet, and therefore not in Greene’s Facebook share or retweet, but the  
14 Advertisement itself is included in full, which contains the narrator’s request that the viewer  
15 “help save America and stop socialism. Make a contribution today to Stop Socialism Now PAC,

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<sup>19</sup> Facebook Video; YouTube Video; Twitter Video.

<sup>20</sup> Marjorie Taylor Greene, *About: Page Transparency*, FACEBOOK, [https://www.facebook.com/MarjorieTaylorGreene/about\\_profile\\_transparency](https://www.facebook.com/MarjorieTaylorGreene/about_profile_transparency) (last visited Feb. 13, 2023) (stating that Greene for Congress is “responsible for” the page and indicating that the page was created on October 3, 2017, and that from that date until January 6, 2021, the page name was Marjorie Taylor Greene for Congress).

<sup>21</sup> Marjorie Taylor Greene, FACEBOOK (Dec. 8, 2020) [hereinafter Greene Facebook Share], [https://www.facebook.com/permalink.php?story\\_fbid=2611592879130806&id=1809715209318581](https://www.facebook.com/permalink.php?story_fbid=2611592879130806&id=1809715209318581).

<sup>22</sup> See Twitter Video (listing Greene (@mtgreenee) as the first retweet).

<sup>23</sup> Greene Facebook Share; Greene Retweet.

<sup>24</sup> Greene Facebook Share.

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- 1 because if Democrats win in Georgia, it’s all over for America,” and the on-screen text
- 2 “DONATE NOW.”<sup>25</sup> Screenshots of Greene’s Facebook share and retweet appear below:
- 3 The timeline of Stop Socialism Now and Greene’s various communications are

Marjorie Taylor Greene  
 December 8, 2020 · 🌐

SAVE AMERICA.  
 STOP SOCIALISM.  
 DEFEAT THE DEMOCRATS!  
 -- MTG

**STOP SOCIALISM NOW PAC**  
 December 3, 2020 · 🌐

Imagine. Biden and Harris in the White House, Pelosi is Speaker and Schumer runs the Senate because Democrats Rafael Warnock and Jon Ossoff won the two Georgia January Senate runoffs.

First up, Democrats'll end the filibuster, so no one can stop them. Then they'll add new Democrat states, pack the Supreme Court, take away our guns and push their Open Borders Green New Deal Pro-Abortion Socialist Agenda.

Stop Socialism NOW PAC is fighting back, not quitting, by exposing Warnock, Ossoff and their radical agenda.

Stop Socialism NOW PAC will stop Warnock and Ossoff from stealing our Senate seats. It's time to fight back now, before it's too late.

Marjorie Taylor Greene Retweeted  
**Stop Socialism Now PAC** @SSNPAC · Dec 26

Imagine: Biden and Harris in the White House, Pelosi is Speaker and Schumer runs the Senate because Democrats Raphael Warnock and Jon Ossoff won the two Georgia January Senate runoffs.

America as we know it will be gone!

It's time to fight back now, before it's too late.

**STOP SOCIALISM NOW PAC**  
 December 3, 2020 · 🌐

Imagine. Biden and Harris in the White House, Pelosi is Speaker and Schumer runs the Senate because Democrats Rafael Warnock and Jon Ossoff won the two Georgia January Senate runoffs.

First up, Democrats'll end the filibuster, so no one can stop them. Then they'll add new Democrat states, pack the Supreme Court, take away our guns and push their Open Borders Green New Deal Pro-Abortion Socialist Agenda.

Stop Socialism NOW PAC is fighting back, not quitting, by exposing Warnock, Ossoff and their radical agenda.

Stop Socialism NOW PAC will stop Warnock and Ossoff from stealing our Senate seats. It's time to fight back now, before it's too late.

14.2K views

78 295 759

- 4 represented in the table below:

| Date              | Event  |
|-------------------|--|
| December 3, 2020  | Stop Socialism Now Posts the Advertisement on Facebook     |
| December 8, 2020  | Greene Shares the Advertisement on Facebook                |
| December 12, 2020 | Stop Socialism Now Posts the Advertisement on YouTube      |
| December 26, 2020 | Stop Socialism Now Tweets the Advertisement                |
| December 27, 2020 | Greene Retweets the Advertisement                          |
| January 5, 2021   | U.S. Senate Runoff and Special Runoff Elections in Georgia |

<sup>25</sup> Greene Facebook Share; Greene Retweet.

1 Stop Socialism Now’s publicly available social media pages reflect that Stop Socialism  
 2 Now disseminated several other digital advertisements, similar to the Advertisement, featuring  
 3 Greene reading a script and speaking directly to the audience for the majority of the  
 4 advertisement’s runtime.<sup>26</sup> At least one other advertisement includes Greene encouraging the  
 5 audience to “fight back” as well as a subsequent textual request to “DONATE NOW” and the  
 6 identification of the web address for the Donation Web Page, similar to the Advertisement.<sup>27</sup> In  
 7 other advertisements, Greene and on-screen text encourage the audience to register and vote in  
 8 the runoff elections,<sup>28</sup> or to support Loeffler and Perdue.<sup>29</sup>

9 The Complaint alleges that Greene violated 52 U.S.C. § 30125(e)(1)(A) by “solicit[ing]  
 10 funds in connection with elections for federal office not subject to the limitations and  
 11 prohibitions of [the Act].”<sup>30</sup> Specifically, the Complaint alleges that Greene’s statements and  
 12 appearance in the majority of the Advertisement, in context of the subsequent requests for  
 13 donations by the narrator, the on-screen text encouraging the viewer to “donate now,” and a link

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<sup>26</sup> See, e.g., Socialism Now PAC, FACEBOOK (Dec. 9, 2020) [hereinafter Marjorie Taylor Greene Has A Message For Georgia Republicans Facebook Video], <https://www.facebook.com/StopSocialismNow/videos/485438645754461/>; Socialism Now PAC, Register. Vote. Let’s Save the Senate. And Save America., YOUTUBE (Dec. 12, 2020) [hereinafter Register & Vote YouTube Video], <https://www.youtube.com/watch?v=wdRawb7XTYY>; Stop Socialism Now PAC, Georgia Voters: GET OUT AND VOTE!, (Dec. 12, 2020) [hereinafter Support Loeffler & Perdue YouTube Video], [https://www.youtube.com/watch?v=0\\_tyD1QuIu8](https://www.youtube.com/watch?v=0_tyD1QuIu8).

<sup>27</sup> See Marjorie Taylor Greene Has A Message For Georgia Republicans Facebook Video; Stop Socialism Now PAC, Marjorie Greene has a message for Georgia Republicans! Stop Stacey Abrams. DEFEAT THE DEMOCRATS!, YOUTUBE (Dec. 12, 2020) [hereinafter Marjorie Taylor Greene Has A Message For Georgia Republicans YouTube Video], [https://www.youtube.com/watch?v=2\\_hke4hUIKA](https://www.youtube.com/watch?v=2_hke4hUIKA).

<sup>28</sup> Register & Vote YouTube Video; Stop Socialism Now PAC, FACEBOOK (Dec. 2, 2020) [hereinafter Register & Vote Facebook Video], <https://www.facebook.com/watch/?v=385990166012917&ref=sharing>.

<sup>29</sup> Support Loeffler & Perdue YouTube Video; Stop Socialism Now PAC, FACEBOOK (Dec. 22, 2020) [hereinafter Support Loeffler & Perdue Facebook Video], <https://www.facebook.com/StopSocialismNow/videos/1170191796732601>.

<sup>30</sup> Compl. ¶ 40; see id. ¶¶ 1-2, 27-40.

1 to a web page dedicated to making contributions, constitute solicitations by Greene under the Act  
2 and Commission regulations.<sup>31</sup>

3 Greene contends that she did not violate the Act’s soft money prohibition because her  
4 statements in the Advertisement did not constitute a solicitation and the solicitations in the  
5 Advertisement occurred in a portion in which Greene did not appear.<sup>32</sup> Greene characterizes her  
6 statements in the Advertisement as statements of political support for Stop Socialism Now.<sup>33</sup>  
7 Greene further contends that she did not review or approve of the Advertisement.<sup>34</sup>

8 Additionally, Greene asserts that her appearance in the Advertisement is equivalent to a  
9 federal candidate or officeholder’s attendance at a fundraising event for an IEOPC in that Greene  
10 appeared, made general remarks, and left the event before the solicitation occurred.<sup>35</sup> Greene  
11 also argues that the Commission, “[e]ven if [it] concludes that a violation may have occurred,”  
12 should dismiss the Complaint because, between the date of the Advertisement and the runoff  
13 elections, Stop Socialism Now received no corporate contributions and only one contribution —  
14 in the amount of \$10,000 — that appears to exceed the applicable federal limit.<sup>36</sup>

### 15 **III. ANALYSIS**

#### 16 **A. Applicable Law**

17 The Act prohibits federal candidates and officeholders, their agents, and entities directly  
18 or indirectly established, financed, maintained, or controlled by or acting on behalf of federal

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<sup>31</sup> See Compl. ¶¶ 31-37.

<sup>32</sup> Marjorie Taylor Greene Resp. at 3 (Sept. 24, 2021) [hereinafter Greene Resp.].

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* (citing Advisory Opinion 2011-12 (Majority PAC, *et al.*) [hereinafter AO 2011-12]).

<sup>36</sup> *Id.* at 3-4 (citing Factual & Legal Analysis (“F&LA”) at 6-7, MUR 6866 (Mark Udall)).

1 candidates and officeholders, from soliciting funds in connection with a federal election “unless  
2 the funds are subject to the limitations, prohibitions, and reporting requirements of the Act.”<sup>37</sup>  
3 The Act limits contributions to non-authorized, non-party committees to \$5,000 in any calendar  
4 year.<sup>38</sup> Although an IEOPC may accept contributions from corporations and individuals without  
5 regard to that \$5,000 limitation,<sup>39</sup> federal officeholders and candidates may only solicit up to  
6 \$5,000 from permissible sources on behalf of such a committee.<sup>40</sup>

7 Through regulation, the Commission has defined “to solicit” broadly to mean “to ask,  
8 request, or recommend, explicitly or implicitly, that another person make a contribution,  
9 donation, transfer of funds, or otherwise provide anything of value.”<sup>41</sup> The regulation further  
10 provides that a “solicitation” is “an oral or written communication that, construed as reasonably  
11 understood in the context in which it is made, contains a clear message asking, requesting, or  
12 recommending that another person make a contribution” and “may be made directly or  
13 indirectly” but “does not include mere statements of political support.”<sup>42</sup> The context of the  
14 solicitation “includes the conduct of persons involved in the communication.”<sup>43</sup>

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<sup>37</sup> See 52 U.S.C. § 30125(e)(1)(A); *see also* 11 C.F.R. §§ 300.60, 300.61.

<sup>38</sup> 52 U.S.C. § 30116(a)(1)(C).

<sup>39</sup> *See SpeechNow.org v. FEC*, 599 F.3d 686, 696 (D.C. Cir. 2010) (*en banc*) (holding that contribution limits are unconstitutional as applied to individuals’ contributions to political committees that only make independent expenditures); Advisory Opinion 2010-11 at 2-3 (Commonsense Ten) (concluding that corporations, labor organizations, political committees, and individuals may each make unlimited contributions to IEOPCs).

<sup>40</sup> AO 2011-12 at 3 (“Federal officeholders and candidates . . . may solicit up to \$5[, ]000 from individuals (and any other source not prohibited by the Act from making a contribution to a political committee) on behalf of an IEOPC, because those funds are subject to the Act’s amount limitations and source prohibitions.”).

<sup>41</sup> 11 C.F.R. § 300.2(m); *see also* Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, 67 Fed. Reg. 49,064, 49,086 (July 29, 2002) (defining “to solicit” as to “ask another person to make a contribution or donation, or transfer of funds, or to provide anything of value, including through a conduit or intermediary”).

<sup>42</sup> 11 C.F.R. § 300.2(m); *see also* Definitions of “Solicit” and “Direct,” 71 Fed. Reg. 13,926, 13,928 (Mar. 20, 2006) [hereinafter Solicit Explanation & Justification].

<sup>43</sup> 11 C.F.R. § 300.2(m).

1           In 2006, the Commission revised the definition of “to solicit” following a decision by the  
2 United States Court of Appeals for the District of Columbia Circuit in *Shays v. FEC*<sup>44</sup> holding  
3 that the Commission’s former regulation, promulgated in 2002, was too narrow and failed to  
4 include “implicit requests for money.”<sup>45</sup> In promulgating the revised definition, the Commission  
5 explained that the revision is broad in order to “ensure[ ] that candidates and parties may not,  
6 implicitly and indirectly, raise unregulated funds for either themselves, or subject to statutory  
7 exceptions, ‘friendly outsiders.’”<sup>46</sup> The Commission further stated: “By covering implicit and  
8 indirect requests and recommendations, the new definition forecloses parties and candidates from  
9 using circumlocutions ‘that make their intention clear without overtly “asking” for money’” and  
10 “also squarely addresses the central concern of the Court of Appeals in *Shays* that ‘indirect’ as  
11 well as ‘direct’ requests for funds or anything of value must be covered.”<sup>47</sup>

12           The standard for determining whether a communication is a solicitation is objective and  
13 does not turn on the subjective interpretations of the person making the communication or its  
14 recipients.<sup>48</sup> This objective standard “hinges on whether the recipient should have reasonably  
15 understood that a solicitation was made.”<sup>49</sup>

16           Commission regulations provide that the following types of communications constitute  
17 solicitations: (i) communications that “provide[] a method of making a contribution or donation,  
18 regardless of the communication,” including but not limited to “providing a separate card,

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<sup>44</sup> *Shays v. FEC*, 414 F.3d 76, 104-06 (D.C. Cir. 2005).

<sup>45</sup> Solicit Explanation & Justification, 71 Fed. Reg. at 13,927 (quoting *Shays*, 414 F.3d at 104-06).

<sup>46</sup> *Id.* at 13,928 (quoting *Shays*, 414 F.3d at 106).

<sup>47</sup> *Id.*

<sup>48</sup> 11 C.F.R. § 300.2(m); *see also* Solicit Explanation & Justification, 71 Fed. Reg. at 13,928.

<sup>49</sup> Solicit Explanation & Justification, 71 Fed. Reg. at 13,929.

1 envelope, or reply device that contains an address to which funds may be sent”;  
 2 (ii) communications that “provide[] instructions on how or where to send contributions or  
 3 donations, including providing a phone number specifically dedicated to facilitating the making  
 4 of contributions or donations”; and (iii) communications that “identif[y] a Web address where  
 5 the Web page displayed is specifically dedicated to facilitating the making of a contribution or  
 6 donation or automatically redirects the Internet user to such a page, or exclusively displays a link  
 7 to such a page.”<sup>50</sup>

8 **B. The Commission Finds Reason to Believe That Marjorie Taylor Greene**  
 9 **Solicited Non-Federal Funds**

10 Greene was a federal candidate in 2020 who won the general election for U.S.  
 11 Representative from Georgia’s 14th Congressional District on November 3, 2020.<sup>51</sup> As a federal  
 12 officeholder, Greene is prohibited from soliciting non-federal funds in connection with a federal  
 13 election and was prohibited from doing so as an incoming federal officeholder at the time the  
 14 Advertisement was posted on December 3, 2020.<sup>52</sup> The Advertisement explicitly requests  
 15 contributions in connection with the U.S. Senate runoff elections in Georgia and contains no  
 16 written or oral disclaimer limiting the solicitations therein to federally permissible funds.<sup>53</sup> In  
 17 fact, the Donation Web Page linked in the Advertisement contains smaller print stating that, as

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<sup>50</sup> 11 C.F.R. § 300.2(m)(1)(i)-(iii); *see also* Solicit Explanation & Justification, 71 Fed. Reg. at 13,931 (describing the addition of 11 C.F.R. § 300.2(m)(1) to “specify three types of ‘solicitation’ that result from components of a communication that are intended to provide instructions about how to contribute or otherwise facilitate the making of a contribution”).

<sup>51</sup> *See supra* notes 1-2 and accompanying text.

<sup>52</sup> *See* 52 U.S.C. § 30125(e)(1)(A); *see also* 11 C.F.R. §§ 300.60, 300.61. The soft money prohibition applies to “individual[s] holding Federal office,” 52 U.S.C. § 30125(e)(1), 11 C.F.R. § 300.60(b), which Commission regulations define as “an individual *elected to* or serving in the office of . . . a Representative in . . . the Congress of the United States.” 11 C.F.R. § 300.2(o) (emphasis added).

<sup>53</sup> Facebook Video; YouTube Video; Twitter Video; Compl. ¶¶ 37-38; *see* AO 2011-12 at 3; F&LA at 11, MURs 6563, 6733 (Aaron Schock); F&LA at 7, MUR 7682 (Honor Bound PAC (f/k/a Amy McGrath for Senate, Inc.), *et al.*).

1 an IEOPC, Stop Socialism Now “may accept unlimited contributions from individuals,  
2 corporations, PACs, unions and trade associations.”<sup>54</sup>

3 The Complaint alleges that, “[c]onstrued as reasonably understood in the context in  
4 which [her statements are] made, Rep. Greene’s communication contains a clear message  
5 recommending that viewers make a contribution to Stop Socialism Now” and thus constituted a  
6 solicitation.<sup>55</sup> Greene does not contest that the Advertisement contains solicitations for  
7 contributions to Stop Socialism Now in connection with federal elections. Greene contends,  
8 however, that she *herself* did not make any statements that constitute solicitations and “did not  
9 participate in and was in no way involved with the portion” of the Advertisement that contained  
10 the solicitations.<sup>56</sup>

11 Greene contends that she did not violate the Act’s soft money prohibition because her  
12 participation in the Advertisement was limited to her statements therein, which she contends did  
13 not constitute a solicitation and were only statements of political support, and because she “did  
14 not review and/or approve” of the Advertisement.<sup>57</sup> Indeed, the available information reflects  
15 that Stop Socialism Now published numerous digital advertisements featuring Greene, in which  
16 it appears that Greene filmed footage reading from a script prepared by or for Stop Socialism  
17 Now.<sup>58</sup> Therefore, Greene may have filmed a series of scripts in support of Stop Socialism Now

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<sup>54</sup> Donation Web Page; Compl. ¶ 38.

<sup>55</sup> Compl. ¶¶ 35-37.

<sup>56</sup> Greene Resp. at 3.

<sup>57</sup> See Greene Resp. at 3 (“No reasonable viewing of Representative Greene’s statements in the Ad could conclude that her statements, either implicitly or explicitly, contained a ‘clear message asking, requesting, or recommending that another person make a contribution’ to the PAC.”); *id.* (stating the Advertisement “instead was reviewed and approved by [Stop Socialism Now]’s counsel”).

<sup>58</sup> See, e.g., Marjorie Taylor Greene Has A Message For Georgia Republicans Facebook Video; Register & Vote Facebook Video; Support Loeffler & Perdue Facebook Video; *supra* notes 26-29 and accompanying text.



1 to use as it saw fit in various advertisements or other advocacy materials, and Stop Socialism  
2 Now may have subsequently added solicitations to the Advertisements featuring Greene without  
3 her review or approval.

4 Beyond Greene’s conduct and statements within the Advertisement, however, Greene’s  
5 subsequent Facebook share of the Advertisement, which remains on her page as of the date of  
6 the Commission’s findings, and retweet of the Advertisement comprise a solicitation and  
7 establish her liability under the Act and Commission regulations.<sup>59</sup> The Facebook share and  
8 retweet of the Advertisement are publicly available on Greene’s social media pages and the  
9 Facebook share is signed with Greene’s initials (“-- MTG”), indicating that the Advertisement  
10 was shared by Greene herself.<sup>60</sup>

11 In MUR 6268 (Alan Grayson, *et al.*), the Commission found reason to believe that a  
12 federal officeholder and his campaign committee impermissibly solicited soft money where the  
13 officeholder was featured in an invitation to a state candidate fundraising event, his campaign  
14 committee emailed the invitation, and the committee posted the invitation — featuring the  
15 officeholder and the unrestricted solicitation without modification — on its website for at least  
16 three months after the event.<sup>61</sup> There was no dispute that the invitation constituted a solicitation  
17 because it “expressly requested” prohibited corporate contributions by suggesting a specific  
18 contribution amount from corporate entities and identified a web address for a contribution web  
19 page.<sup>62</sup> The Commission rejected an assertion by the federal officeholder that he did not give  
20 “final authorization” for the invitation because, in part, the officeholder reviewed the invitation

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<sup>59</sup> See Greene Facebook Share; Greene Retweet.

<sup>60</sup> Greene Facebook Share; Greene Retweet.

<sup>61</sup> F&LA at 5-6, MUR 6268 (Alan Grayson, *et al.*).

<sup>62</sup> *Id.* at 4, 6.

1 the day before the event after being presented with the complaint in that matter and did not  
2 attempt “to retract or correct the invitation.”<sup>63</sup>

3 Similarly, here, there is no dispute that Greene was featured in the Advertisement or that  
4 the Advertisement constituted a solicitation. Although Greene alleges she did not “review” or  
5 “approve” the Advertisement, she subsequently shared it on her Facebook page, where it remains  
6 over two years later, and retweeted it. Therefore, as a covered person and in the same fashion as  
7 the federal officeholder in MUR 6268, Greene “bears responsibility for the dissemination” of the  
8 Advertisement soliciting unrestricted contributions in connection with a federal election.<sup>64</sup>

9 One of the multiple requests for contributions in the Advertisement that Greene shared on  
10 her official Facebook page and retweeted is a link to the Donation Web Page.<sup>65</sup> The  
11 Commission has explained that a communication that identifies a web page specifically  
12 dedicated to facilitating contributions results in a solicitation by virtue of the identification of the  
13 web page, a “component[] of [the] communication that [is] intended to provide instructions about  
14 how to contribute.”<sup>66</sup> Similar to the activity in MUR 6268, Greene’s Facebook share and retweet  
15 of the Advertisement, which includes a link to the Donation Web Page, constitute a solicitation  
16 under Commission regulations.<sup>67</sup>

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<sup>63</sup> *Id.* at 6.

<sup>64</sup> *See id.*

<sup>65</sup> *See* Greene Facebook Share; Facebook Video; Greene Retweet; Twitter Video; 11 C.F.R. § 300.2(m)(1)(iii). Greene asserts that the web page linked in the Advertisement “does not contain a mechanism to contribute to the PAC nor does it automatically redirect to such a page.” Greene Resp. at 3 & n.1. This assertion appears to refer to StopSocialismNowPAC.com/donate, the web page linked in the MountaintopMedia post on YouTube, as discussed in the Complaint, rather than the Advertisement, which was posted by Stop Socialism Now’s YouTube account. *See* MountaintopMedia Video; Compl. ¶ 12 (including screenshot); Greene Resp. at 3 & n.1; *supra* note 17.

<sup>66</sup> Solicit Explanation & Justification, 71 Fed. Reg. at 13,931; *see also* F&LA at 4, MUR 6268 (Alan Grayson, *et al.*) (finding an email communication constituted a solicitation where, in part, it provided a website address to contribute online).

<sup>67</sup> *See* F&LA at 4-6, MUR 6268 (Alan Grayson, *et al.*).

1           The Commission’s revision of the definition of “to solicit” in 11 C.F.R. § 300.2(m)(1) in  
2 2006 is instructive in this matter. In its Notice of Proposed Rulemaking (“NPRM”), the  
3 Commission sought input regarding whether the regulation should include examples of types of  
4 communications that would constitute solicitations, including a “written communication that  
5 provides a method of making a contribution or donation *regardless of the text of the*  
6 *communication*,” such as a reply card.<sup>68</sup> The Commission ultimately adopted a variation of the  
7 proposed example described in the NPRM: a communication, not limited to “written”  
8 communications, that provides a “method of making a contribution or donation, *regardless of the*  
9 *communication*,” including “but not limited to, providing a separate card, envelope, or reply  
10 device.”<sup>69</sup> The Commission identified two additional specific types of communications that  
11 constitute solicitations: (1) communications that provide instructions how or where to send  
12 contributions or donations (such as including a phone number), and (2) communications that  
13 identify the web address of web pages specifically dedicated to making contributions or  
14 donations.<sup>70</sup> The Commission explained that its adoption of section 300.2(m)(1) came in  
15 response to comments urging it to “specifically address communications that include reply  
16 envelopes, phone numbers, or Web pages dedicated to facilitating the making of contributions or  
17 donations.”<sup>71</sup>

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<sup>68</sup> Definitions of “Solicit” and “Direct,” 70 Fed. Reg. 56,599, 56,603 (proposed Sept. 28, 2005) [hereinafter Solicit NPRM] (emphasis added) (to be codified at 11 C.F.R. pt. 300); *see* 11 C.F.R. § 300.2(m)(1)(iii).

<sup>69</sup> 11 C.F.R. § 300.2(m)(1)(i) (emphasis added); *see also* Solicit Explanation & Justification, 71 Fed. Reg. at 13,931 (describing such a communication as a solicitation “regardless of the other text of the communication”). *Compare id.*, with Solicit NPRM at 56,603.

<sup>70</sup> 11 C.F.R. § 300.2(m)(1)(ii)-(iii).

<sup>71</sup> Solicit Explanation & Justification, 71 Fed. Reg. at 13,921.

1           Thus, whether or not Greene’s participation and statements in the Advertisement, in  
2 context, constitute a solicitation,<sup>72</sup> the subsequent Facebook share and retweet of the  
3 Advertisement constitute a solicitation under Commission regulations because the Advertisement  
4 includes requests for contributions through on-screen text (“DONATE NOW”), a web address  
5 for the Donation Web Page, “specifically dedicated to facilitating the making of a contribution or  
6 donation,”<sup>73</sup> and the narrator’s statement to “make a contribution today.”<sup>74</sup> Accordingly, the  
7 Commission finds reason to believe that Marjorie Taylor Greene violated 52 U.S.C.  
8 § 30125(e)(1)(A) and 11 C.F.R. § 300.61 by soliciting non-federal funds.

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<sup>72</sup> The Commission makes no determination regarding whether Greene’s participation or statements in the Advertisement itself constitute a solicitation by Greene.

<sup>73</sup> See 11 C.F.R. § 300.2(m)(1)(i), (iii).

<sup>74</sup> Facebook Video; YouTube Video; Twitter Video; Greene Facebook Share; Greene Retweet.