



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

November 14, 2023

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for Enforcement

BY: Mark Allen *MA*
Assistant General Counsel

Kimberly D. Hart *KDH*
Attorney

SUBJECT: MUR 7908 (Marjorie Taylor Greene)
Recommendation to Accept Signed Conciliation Agreement

On May 31, 2023, the Commission found reason to believe that Marjorie Taylor Greene (the “Respondent”) violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61, provisions of the Federal Election Campaign Act (the “Act”) and the Commission’s regulations, by soliciting non-federal funds to Stop Socialism Now PAC (the “PAC”) in her Facebook share and retweet of a PAC advertisement.¹ The Commission authorized the Office of General Counsel to engage in pre-probable cause conciliation (“PPCC”) with the Respondent.² Attached is a negotiated conciliation agreement and a redlined version comparing the signed version to the version approved by the Commission. We recommend that the Commission accept the signed agreement.

¹ Certification ¶ 2.a. (“Cert.”) (May 31, 2023); Factual and Legal Analysis (“F&LA”) at 14-17.

² Cert. ¶ 2.c.

MUR 7908 (Marjorie Taylor Greene)

Memorandum to the Commission

Page 2 of 4

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We believe this negotiated settlement represents an acceptable resolution of this matter. We therefore recommend that the Commission accept the signed conciliation agreement with the Respondent.

In addition, at the time the Commission found reason to believe and entered into conciliation as to the Respondent, it took no action at that time as to the PAC.¹¹ As stated in the First General Counsel's Report, in alleging that Greene made an unlawful solicitation, the Complaint raised questions about whether the PAC coordinated its Advertisement with Greene, made an impermissible soft money solicitation if it were established, financed, maintained, or controlled by Greene, and whether the Advertisement's disclaimer contained accurate and incomplete information.¹² The Report also stated that the course of PPCC recommended as to Greene may reveal additional information about the circumstances of the Advertisement relevant to the analysis of possible violations by the PAC.¹³ We learned during PPCC that the PAC and the Greene Committee shared the same counsel and that the PAC Advertisement at issue was reviewed and approved by legal counsel.¹⁴ This overlap supports the possibility of a finding that the PAC's Advertisement was in fact coordinated with Greene or with the Greene Committee.¹⁵ We note, however, that the PAC issued its Advertisement on December 3, 2020, a month after Greene's election to Congress on November 3, 2020,¹⁶ meaning that the circumstances of potential coordination between the candidate and the PAC were not in connection with the candidate's own campaign (because it had just ended). Although in a future matter we might recommend proceeding on similar facts, in this matter and in light of all the circumstances, including the prospect of resolving the Complaint's central alleged violation through the attached conciliation agreement, we recommend that the Commission exercise its prosecutorial discretion

¹¹ Cert. ¶ 2.b.

¹² First General Counsel's Report at 25.

¹³ *Id.* at 25-26.

¹⁴ Boles Aff. ¶¶ 5-6.

¹⁵ The PAC and the Greene Committee also share a treasurer. *See* Boles Aff. ¶¶ 2-3.

¹⁶ *See* F&LA at 2.

MUR 7908 (Marjorie Taylor Greene)
Memorandum to the Commission
Page 4 of 4

1 and dismiss the potential violations as to Stop Socialism Now PAC and Jason Boles in his
2 official capacity as treasurer and close the file in this matter.¹⁷

3 **RECOMMENDATIONS:**

- 4
- 5 1. Accept the attached conciliation agreement;
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 - 7 2. Dismiss the Complaint as to Stop Socialism Now PAC and Jason Boles in his official
8 capacity as treasurer;
 - 9 3. Approve the appropriate letters; and
 - 10
 - 11 4. Close the file.
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¹⁷ See *Heckler v. Chaney*, 470 U.S. 821 (1985). In a recent matter involving a violation of the Act's prohibition on federal contractor contributions, when the Commission accepted a negotiated conciliation agreement with the federal contractor contributor, it dismissed the allegation that the recipient committee knowingly solicited federal contractor contributions where Commission had previously taken no action as to recipient. See Cert. ¶ 2 (Oct. 31, 2023), MUR 8022 (MEI Services, Inc.). If, contrary to our recommendation, the Commission prefers to pursue potential coordination and/or disclaimer violations, those violations remain viable under the relevant statute of limitations.