



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Democratic National Committee)	MUR 7271
and Virginia McGregor in her official)	
capacity as treasurer)	
Alexandra Chalupa)	
Chalupa & Associates, LLC)	

**SUPPLEMENTAL STATEMENT OF REASONS OF VICE CHAIR ALLEN
DICKERSON AND COMMISSIONERS SEAN J. COOKSEY AND
JAMES E. "TREY" TRAINOR, III**

We write separately to draw attention to our colleagues' outrageous attempt to cover up this matter after the Commission voted to find no probable cause to believe a violation occurred.

As reflected in the April 8, 2021 Certification, the Commission voted 4-2, on a bipartisan basis, to find no probable cause that the Respondents illegally solicited a contribution from a foreign national.¹ After this vote, however, two of our colleagues—including one who voted in favor of dismissing the matter—shockingly refused to allow the Commission to inform the parties of that result and to make the matter public. They voted against a motion to close the file, and with one abstention, the Chair initially ruled that the motion failed, despite three votes in favor and two opposed.² In response, we took the extraordinary action of overriding the Chair's ruling.³ It is only due to these unprecedented actions that the file closed and this case sees the light of day.

It is a deep irony that two Commissioners of an agency tasked with upholding transparency and accountability in our election system are themselves deliberately

¹ Certification (April 8, 2021), MUR 7271 (DNC, *et al.*) (Motion 1: voting 4-2 to find no probable cause to believe Respondents violated 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g)).

² Certification (April 8, 2021), MUR 7271 (DNC, *et al.*) (Motion 2: voting 3-2 to close the file and issue appropriate letters to the parties, which was ruled to have failed by an insufficient number of affirmative votes).

³ Certification (April 8, 2021), MUR 7271 (DNC, *et al.*) (Motion 3: voting 2-3 to sustain the ruling of the Chair that Motion 2 failed, thereby overruling the Chair and successfully closing the file by a vote of 3-2). Following this vote, our abstaining colleague requested the opportunity to reconsider closing the file, and joined us in doing so.

concealing our agency's decisions from the public. This practice is, in this case, especially cruel because the individual before us acted out of apparently sincere concern for her country and had been cleared by a bipartisan majority vote of the Commission. She deserved notice of that outcome.

In too many cases, our colleagues refuse to close case files for matters that we have adjudicated in order to leave defendants in jeopardy, ignore federal courts, and hide information from the public.⁴ That tactic failed this time, and we will continue to push for all of our other completed matters to be made public, as they should be.

June 10, 2021

Date



Allen Dickerson
Vice Chair

June 10, 2021

Date



Sean J. Cooksey
Commissioner

June 10, 2021

Date



James E. "Trey" Trainor III
Commissioner

⁴ See Statement of Chair James E. "Trey" Trainor III on the Dangers of Procedural Disfunction (Aug. 8, 2020), available at https://www.fec.gov/resources/cms-content/documents/Trainor_Statement_on_FEC_Procedural_Disfunction_REDACTED.pdf.