



FEDERAL ELECTION COMMISSION
 1050 FIRST STREET, N.E.
 WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 7645/7663/7705
 Donald J. Trump, *et al.*)
)

**STATEMENT OF REASONS OF CHAIRMAN ALLEN J. DICKERSON
 AND COMMISSIONERS SEAN J. COOKSEY AND JAMES E. “TREY” TRAINOR, III**

The Federal Election Campaign Act of 1971 (“FECA” or “Act”), as amended, bars the knowing solicitation of political contributions from foreign nationals.¹ The Commission received three complaints alleging that then-President Donald Trump violated this provision of the Act when his administration sought the opening of “an investigation into allegations regarding Burisma and purported Ukrainian interference in the 2016 presidential election” from the government of Ukraine.² Our Office of General Counsel (“OGC”) concurred with this theory, and recommended that we find reason-to-believe (“RTB”) that Trump, his campaign committee, Rudy Giuliani, and Lev Parnas violated the Act.³

¹ 52 U.S.C. § 30121 (“It shall be unlawful for...a person to solicit, accept, or receive a...contribution or donation of money or other thing of value...in connection with a Federal, State, or local election...from a foreign national”).

² First Gen’l Counsel’s Report (“FGCR”) at 5, MURs 7645/7663/7705 (Donald J. Trump, *et al.*), Mar. 23, 2021.

³ FGCR at 80-81. Technically, OGC recommended two possible tracks under which we could find RTB against Mr. Giuliani and Mr. Parnas. *Id.* at 80 (“Find reason to believe that Rudolph ‘Rudy’ Giuliani violated 52 U.S.C. § 30121(a)(2) by knowingly soliciting a prohibited foreign national contribution under 11 C.F.R. § 110.20(g), OR knowingly providing substantial assistance in soliciting a prohibited foreign national contribution under 11 C.F.R. § 110.20(h), from Ukrainian President Volodymyr Zelensky”); (“Find reason to believe that Lev Parnas violated 52 U.S.C. § 30121(a)(2) by knowingly soliciting a prohibited a foreign national contribution under 11 C.F.R. § 110.20(g), OR knowingly providing substantial assistance in soliciting a prohibited foreign national contribution under 11 C.F.R. § 110.20(h), from Ukrainian President Volodymyr Zelensky”). We found neither theory persuasive.

We disagreed with OGC,⁴ and determined that there was no reason-to-believe that the prior administration’s efforts to secure an official act from the Ukrainian government fell within this agency’s narrow writ of exclusive civil enforcement of the campaign finance laws.⁵ In accordance with governing law, we write this Statement to explain our reasoning.⁶

I. FACTUAL BACKGROUND

The facts as alleged in the complaints will no doubt ring a bell, as they formed the factual predicates that led the House of Representatives to impeach, and the Senate to acquit, former President Trump for abuse of power in 2019-2020.⁷

⁴ Cert. at 1-3, MURs 7645/7663/7705 (Donald J. Trump, *et al.*), July 14, 2022; Cert. at 1-4, MURs 7645/7663/7705 (Donald J. Trump, *et al.*), July 31, 2022.

⁵ “[A]s has been noted before, ‘there is a tendency to recast political disputes as campaign finance violations and enlist the Commission as a party to larger conflicts.’” Supp. Statement of Reasons of Vice Chair Dickerson at 2, MURs 7207/7268/7274/7623 (Russian Fed’n), Sept. 16, 2021 (quoting Supp. Statement of Reasons of Vice Chair Dickerson and Comm’r Trainor at 2, MURs 7821/7827/7868 (Twitter, Inc.), Sept. 13, 2021).

⁶ See *Democratic Congressional Campaign Comm. v. Fed. Election Comm’n*, 831 F.2d 1131, 1135 (D.C. Cir. 1987) (“DCCC”) (establishing requirement that “[t]he Commission or the individual Commissioners” must provide a statement of reasons why the agency “rejected or failed to follow the General Counsel’s recommendation”); *Common Cause v. Fed. Election Comm’n*, 842 F.2d 436, 449 (D.C. Cir. 1988) (“A statement of reasons...is necessary to allow meaningful judicial review of the Commission’s decision not to proceed”); see also *id.* at 451 (R.B. Ginsburg, J., dissenting in part and concurring in part) (“I concur in part III of the court’s opinion holding the DCCC rule applicable, prospectively, to all Commission dismissal orders based on tie votes when the dismissal is contrary to the recommendation of the FEC General Counsel”); *Nat’l Republican Senatorial Comm. v. Fed. Election Comm’n*, 966 F.2d 1471, 1476 (D.C. Cir. 1992) (“We further held that, to make judicial review a meaningful exercise, the three Commissioners who voted to dismiss must provide a statement of their reasons for so voting. Since those Commissioners constitute a controlling group for purposes of the decision, their rationale necessarily states the agency’s reasons for acting as it did”) (citation omitted); *Campaign Legal Ctr. & Democracy 21 v. Fed. Election Comm’n*, 952 F.3d 352, 355 (D.C. Cir. 2020).

⁷ H.R. 755, 116th Congress, 1st Sess., Dec. 18, 2019 (alleging that “President Trump—acting both directly and through his agents within and outside the United States Government—corruptly solicited the Government of Ukraine to publicly announce investigations into—(A) a political opponent, former Vice President Joseph R. Biden, Jr.; and (B) a discredited theory promoted by Russia alleging that Ukraine—rather than Russia—interfered in the 2016 United States Presidential election”). The former President was acquitted on this count by a vote of 52-48. H.R. 755, Record Vote Number: 33, Feb. 5, 2020; *cf.* U.S. Const. art. I, sec. 3 (“The Senate shall have the sole Power to try all impeachments...And no Person shall be convicted without the concurrence of two thirds of the Members present”).

The record assembled by OGC⁸ suggests that the former President sought to have the Ukrainian government announce and conduct investigations into Burisma and an alleged Ukrainian role in the 2016 election, and that in doing so, the former President “refused to schedule a White House visit for Zelensky and blocked the release of \$391 million in Congressional-approved security aid⁹ for Ukraine until [Ukrainian President Vladimir] Zelensky”¹⁰ officially complied with the request.¹¹ Specifically, the First General Counsel’s Report for these Matters principally describes actions taken by former New York City Mayor Rudy Giuliani, who appears

⁸ As the FGCR notes: “These events were the subject of widespread reporting, including the articles cited in the complaints, and were the subject of testimony in connection with the U.S. House of Representatives’ Impeachment Inquiry into Trump in 2019. This report cites the sworn testimony, taken in closed-door depositions and public hearings, of witnesses appearing as part of that impeachment inquiry.” FGCR at 7.

⁹ The U.S. Government Accountability Office reviewed a pause in the distribution of approximately \$214 million worth of funds for the Ukraine Security Assistance Initiative (“USAI”) pursuant to its statutory role under the Impoundment Control Act (“ICA”). 2 U.S.C. § 686(a). That report noted that the Office of Management and Budget (“OMB”) explained that this deferral of the executive’s obligation to appropriate funds had been done “to ensure that the funds were not spent ‘in a manner that could conflict with the President’s foreign policy,’” and that because “[t]he ICA does not permit deferrals for policy reasons, OMB’s justification for the withholding falls squarely within the scope of an impermissible policy deferral.” Decision at 6, “Matter of: Office of Management and Budget—Withholding of Ukraine Security Assistance”, File: B-331564, U.S. Gov’t Accountability Office, Jan. 16, 2020 (quoting OMB Resp. at 9). GAO ultimately determined that the deferral of USAI funds was improper under the ICA. *Id.* at 8-9. All of this is, obviously, far removed from federal campaign finance law.

¹⁰ FGCR at 7; *see also id.* at 6-32. In these Matters, OGC also reviewed an allegation that former President Trump and his campaign committee solicited a contribution from the People’s Republic of China (“PRC”). OGC ultimately determined that “[t]he available information does not support finding reason to believe that Trump and the Trump Committee knowingly solicited a contribution from” the PRC or any of its instrumentalities. *Id.* at 77. Nevertheless, rather than recommend that the Commission find no reason-to-believe on a record which did “not support finding reason to believe,” *id.*, OGC recommended dismissing the allegations instead. *Id.* at 78-79, 81. On such a barren record, we determined instead that if there was no reason to believe that Trump solicited the alleged contribution, we should vote that there was no reason-to-believe.

¹¹ FGCR at 7 This complaint and investigation occurred well before the FEC adopted its requirement that OGC notify the Office of the Legal Adviser at the U.S. Department of State regarding enforcement matters where a foreign sovereign is listed as a respondent. Fed. Election Comm’n, “Agency Procedure Concerning the Treatment of Foreign State Respondents at the Initiation of the Enforcement Process,” 87 Fed. Reg. 11950, Mar. 3, 2022. Even under that policy, however, no notification would have been required because neither President Zelensky nor Ukraine was determined to have been a respondent. FGCR at 7 (noting that President Zelensky never “announce[d] the requested investigations”). Nevertheless, out of an abundance of caution, the Commission did consult with the Office of the Legal Adviser before it voted on the merits of these Matters.

to have been working for the then-President;¹² two of his associates, Lev Parnas and Igor Fruman; and the then-President of the United States.¹³ In sum, the FGCR describes these respondents as engaging in an ongoing, “sustained, coordinated effort to request, recommend, and pressure Ukrainian President Volodymyr Zelensky to publicly announce, and thereafter conduct, an investigation into whether, when he was Vice President, Joe Biden acted to protect his son, Hunter Biden, by pressuring the Ukrainian government to end an anticorruption investigation into a Ukrainian energy company, Burisma, of which Hunter was a board member; and an investigation into whether, during the 2016 presidential election, the [Democratic National Committee] coordinated with Ukraine to support Hillary Clinton, Trump’s opponent in that election.”¹⁴

The effort ultimately culminated in a July 25, 2019 phone call between the two heads of state, where President Trump informed the Ukrainian government he would have the U.S. Attorney General and Respondent Giuliani follow up regarding the official actions the United States was seeking from Kyiv.¹⁵ Ultimately, however, despite the Trump administration’s efforts, which coincided with the White House’s decision to pause the distribution¹⁶ of security assistance to Ukraine,¹⁷ the Ukrainian government never opened the requested investigation.

OGC determined that this failed effort constituted a FECA violation because “Trump, Giuliani, and Parnas asked that Zelensky investigate these two allegations and announce the investigation with explicit references to the allegations, for the purpose of benefiting Trump’s reelection campaign,” and “[a]s such, [former President] Trump and the Trump Committee, [Mr.] Giuliani, and [Mr.] Parnas knowingly solicited a foreign national to provide in-kind ‘contributions’—*i.e.*, things

¹² Compare FGCR at 11 (describing Mr. Giuliani’s representations to President Zelensky and on Twitter that he was representing Donald Trump in his capacity as a private citizen) *with id.* at 15 (recounting testimony from U.S. officials that Mr. Giuliani seemed to have been installed as an “alternate channel” for the United States to work with Ukraine and “they would have to work through the Giuliani channel to advance U.S.-Ukraine policy goals”).

¹³ FGCR at 6-32.

¹⁴ *Id.* at 6.

¹⁵ *Id.* at 21-22.

¹⁶ Decision at 6, “Matter of: Office of Management and Budget—Withholding of Ukraine Security Assistance”, File: B-331564, U.S. Gov’t Accountability Office, Jan. 16, 2020.

¹⁷ FGCR at 26-31.

‘of value’ sought ‘for the purpose of influencing’ the 2020 U.S. presidential election— from Ukrainian nationals.”¹⁸

Even taking all the facts as assembled by OGC as true, we disagreed.

II. RELEVANT LAW

The Act defines a “contribution” as “includ[ing]...any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.”¹⁹ We determined that the activities allegedly solicited by the respondents here did not fall within that definition, as it is properly understood.²⁰

The language “for the purpose of influencing any election for Federal office,” which is also part of FECA’s definition of an “expenditure,” was deemed unconstitutionally vague in that context by the Supreme Court in *Buckley v. Valeo*.²¹

¹⁸ *Id.* at 38.

¹⁹ 52 U.S.C. § 30101(8)(A)(i).

²⁰ The Commission has promulgated regulations which explain that the term “solicit” means to “ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.” 11 C.F.R. § 110.20(a)(6) (cross-referencing 11 C.F.R. § 300.2(m)). While some of us have written elsewhere that our solicitation regulations are “hardly a model of clarity,” it is at least clear that if the item a person is requesting is not a “contribution” under the Act, that does not implicate FECA. Statement of Reasons of Vice Chair Dickerson and Comm’r Cooksey at 3, MURs 7340/7609 (“Great Am. Comm.”), June 25, 2021 (Comm’r Trainor recused).

In addition, while President Zelensky and other arms and agents of the government of Ukraine are foreign nationals under the Act, 52 U.S.C. § 30121(b)(1); 22 U.S.C. § 611(b)(1), FECA does not prohibit talking with or corresponding with foreign nationals or foreign governments (and it would be a very odd statute if it did). Unless the respondents solicited a *contribution* from Ukraine or Ukrainians, their conduct is outside the Commission’s narrow remit. *Compare* 52 U.S.C. § 30121 *with* 52 U.S.C. § 30101(8)(A)(i).

²¹ 424 U.S. 1, 78 (1976) (*per curiam*) (“Congress...wished to promote full disclosure of campaign-oriented spending to insure both the reality and appearance of the purity and openness of the federal election process. Our task is to construe ‘for the purpose of...influencing,’ incorporated in § 434(e) through the definitions of ‘contributions’ and ‘expenditures,’ in a manner that *precisely* furthers this goal”) (emphasis supplied); *cf.* *NAACP v. Button*, 371 U.S. 415, 438 (1963) (“If there is an internal tension between proscription and protection in the statute, we cannot assume that, in its subsequent enforcement, ambiguities will be resolved in favor of adequate protection of First Amendment rights...*Precision of regulation must be the touchstone* in an area so closely touching our most precious freedoms”) (emphasis supplied). Accordingly, where necessary, the *Buckley* Court narrowly construed that “the critical phrase ‘for the purpose of...influencing’” so as “to avoid the shoals of vagueness.” *Buckley*, 424 U.S. at 77-78 (quotation marks and ellipses in original).

This constitutionally troublesome language was never revisited by the Congress and remains throughout the statute.²²

In *Buckley*, the Court noted that a number of federal courts had also “given that phrase a narrow meaning” in the context of FECA’s “contribution” definition, so as “to alleviate various problems in other contexts.”²³ But the *Buckley* Court determined that “the use of the phrase present[ed] fewer problems in connection with the definition of a contribution”²⁴ because, as we have explained previously, “the Court...assumed—correctly, in our view—that the Act would not be interpreted to reach *anything* of *any* conceivable value,” aimed at influencing a federal election outcome, “but instead would be subject to the ‘limiting connotation created by the general understanding of what constitutes a political contribution.’”²⁵ And the *Buckley* Court spelled out specifically what it meant by this “general understanding:” “Funds provided to a candidate or political party or campaign committee either directly or indirectly through an intermediary” and “dollars given to another person or organization that are earmarked for political purposes.”²⁶

That is to say, the *Buckley* Court assumed that the Commission would interpret “things of value” under the Act to mean things given in-kind that hold a specific monetary value and are available on the market.²⁷ This gloss must govern our application of this provision of the Act.²⁸

²² See Statement of Reasons of Vice Chair Dickerson and Comm’r Trainor at 3, MUR 7181 (“Independent Women’s Voice”), May 10, 2021 (“Congress did not update the definitions of ‘contribution,’ ‘expenditure,’ or ‘political committee’ in the years after *Buckley*”).

²³ *Buckley*, 424 U.S. at 23, n.24 (see citing to *United States v. Nat’l Comm. for Impeachment*, 469 F.2d 1135, 1139-1142 (2d Cir. 1972); *Am. Civil Liberties U. v. Jennings*, 366 F. Supp. 1041, 1055-1057 (D.D.C. 1973) (three-judge court), *vacated as moot sub nom. Staats v. Am. Civil Liberties U.*, 422 U.S. 1030 (1975)).

²⁴ *Id.* at 23, n.24.

²⁵ Statement of Reasons of Vice Chair Dickerson and Comm’rs Cooksey and Trainor at 10, MUR 7272 (“Democratic Nat’l Comm., *et al.*”), June 10, 2021 (emphasis in original) (quoting *Buckley*, 424 U.S. at 23, n.24).

²⁶ *Buckley*, 424 U.S. at 23, n.24.

²⁷ Statement of Reasons of Vice Chair Dickerson and Comm’rs Cooksey and Trainor at 10, MUR 7721 (“Democratic Nat’l Comm., *et al.*”), June 10, 2021 (“If a campaign would otherwise spend money to obtain a good or service, it is reasonable to say that a third party providing that good or service to the campaign is making a ‘contribution’ under the Act”).

²⁸ See *Cooper v. Aaron*, 358 U.S. 1, 18 (1958) (other branches must defer to the findings of the federal judiciary regarding constitutionality of a law).

And, indeed, that is how our regulations have traditionally interpreted the term. The relevant portion of the Code of Federal Regulations provides that “the term anything of value includes all in-kind contributions,” such as “the provisions of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods and services....Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.”²⁹ This regulation is faithful to the *Buckley* Court’s guidance that departing from the “general understanding”³⁰ of a contribution would invite a host of “grave constitutional and prudential concerns.”³¹

The Commission’s decision not to find probable cause in MUR 7271 (“Democratic National Committee”) is instructive here.³² In that case, Alexandra Chalupa, an employee of the Democratic National Committee (“DNC”), engaged in a long-running effort to “take down [then 2016 U.S. presidential candidate Donald] Trump” by exposing that the Republican nominee’s then-campaign manager, Paul Manafort, was “a national security risk to Ukraine and United States.”³³ Chalupa and “DNC leadership,” including the national party’s communications director, provided messaging to the Ukrainian ambassador to the United States, and plotted to arrange for the then-President of Ukraine, Petro Poroshenko, to publicly blast Manafort, and by extension, the then-Republican frontrunner, Donald Trump.³⁴

Ultimately, just as in the instant case, the Ukrainian President never provided the requested deliverable. Nevertheless, just as here, OGC argued that Ms. Chalupa and the DNC solicited a contribution from a foreign national by encouraging “Poroshenko...in his official capacity as the Ukrainian head of state, [to] disparage

²⁹ 11 C.F.R. § 100.52(d)(1).

³⁰ *Buckley*, 424 U.S. at 23, n.24.

³¹ Statement of Reasons of Vice Chair Dickerson and Comm’rs Cooksey and Trainor at 2, MUR 7721 (“Democratic Nat’l Comm., *et al.*”), June 10, 2021. *Cf. supra* at 6, n.23. Moreover, such a narrow reading is not merely required by the First Amendment, but also is favored by the statutory canon of construction known as *eiusdem generis*. *Gooch v. United States*, 297 U.S. 124, 128 (1936).

³² Certification at 1, MUR 7271 (“Democratic Nat’l Comm., *et al.*”), Apr. 8, 2021.

³³ Statement of Reasons of Vice Chair Dickerson and Comm’rs Cooksey and Trainor at 3, MUR 7721 (“Democratic Nat’l Comm., *et al.*”), June 10, 2021 (quoting Chalupa Aff. at 21).

³⁴ *Id.* at 3-6. President Poroshenko modified the event to eliminate the live question-and-answer session. *Id.* at 6.

Manafort (and, by extension the Trump campaign)”³⁵ because “requesting that Poroshenko disseminate negative information about Manafort, under the theory that a statement to the media that could be politically damaging to a candidate is a ‘thing of value’ qualifying as a contribution under the Act.”³⁶ Four commissioners voted against OGC’s recommendations then, and three of us noted at that time our contention that an “official act of a government official—domestic or foreign—will often fall outside the *Buckley* Court’s general understanding of what constitutes a political contribution.”³⁷ Just so here. There is simply no policeable line that distinguishes the request for negative information about a political opponent made by Alexandra Chalupa to the Ukrainian President from those made by then-President Trump and his agents to the Ukrainian President.

Two additional concerns further counseled in favor of our decision not to adopt OGC’s expansive view of this agency’s authority.

The first is that, leaving aside the narrow scope given to the term “anything of value” by the *Buckley* decision and our own regulations, the Supreme Court has recently explained that administrative agencies ought to tread carefully before asserting expansive authority without the express command of the Congress, even if such an “assertion[]” has “a colorable textual basis.”³⁸ Here, OGC asked the Commission to assert jurisdiction over a foreign state’s decision to use its domestic law enforcement authority pursuant to a request from a sitting American president. All efforts to distinguish the facts here cannot alter the plain, legal truth that acting on such a theory would be unprecedented and inject the Commission into extraordinarily sensitive areas of foreign and national security policy. The phrase “thing of value” in our enabling statute—the only legal tether for such a theory—cannot possibly bear the weight OGC would place upon it. Nor is there the slightest indication—in legislative history, our budget, or the complete lack of institutional capacity to consider classified or highly-sensitive information—indicating that Congress intended us to take on the role OGC has repeatedly recommended we assume.

³⁵ *Id.* at 2.

³⁶ *Id.* at 1 (quoting FGCR at 17-23, MUR 7271 (“Democratic Nat’l Comm.”), Mar. 15, 2019).

³⁷ Statement of Reasons of Vice Chair Dickerson and Comm’rs Cooksey and Trainor at 11, MUR 7721 (“Democratic Nat’l Comm., *et al.*”), June 10, 2021 (quotation marks omitted). As we noted, this is not a hard-and-fast prohibition: “[f]or instance, although a check drawn on a foreign treasury and delivered to a campaign would presumably involve official acts of the relevant foreign government, it would also clearly be ‘a gift of money’ and hence a contribution under the Act.” *Id.* But the alleged contribution here is hardly the functional equivalent of a cash donation to the Trump committee.

³⁸ *W. Va. v. Envt’l Protection Agency*, 597 U.S. __; 142 S. Ct. 2587, 2609 (2022).

Thus, even in a world without *Buckley*, without *ejusdem generis*, and without our regulatory guidance, the major questions doctrine, which holds that “[e]xtraordinary grants of regulatory authority are rarely accomplished through modest words, vague terms, or subtle devices,” would still militate against OGC’s expansive reading of the Act.³⁹

Secondly, it is noteworthy that President Trump sought to arrange for the Ukrainian government to conduct its dual investigations using the powers of his office. His alleged solicitation involved direct communications at the head of state level and formal suspension of the expenditure of security assistance “to ensure that the funds were not spent ‘in a manner that could conflict with the President’s foreign policy.’”⁴⁰

And the Act specifically precludes enforcement against “the Federal Government or any authority of the Federal Government.”⁴¹ At least as regards official acts of government officials—and surely that includes the President—Congress has precluded precisely the roving authority OGC seeks. The Commission is empowered to regulate the conduct of a narrow range of activity related to campaign spending, not the conduct of official policy. Policing those especially sensitive activities is left to others, including the Congress itself. Therefore, just as a member of Congress’s request for possibly harmful information about a potential political opponent in the course of conducting a Congressional investigation cannot be transmogrified into a contribution, neither may the President’s conduct of foreign policy.⁴² Remedies for abuse of those authorities lie elsewhere.

³⁹ *Id.* (quotation marks and brackets omitted); Peter J. Wallison, “Reclaiming Legislative Power from the Administrative State,” *Law & Liberty*, Aug. 2, 2022 (“[T]he so-called “major questions doctrine”—which holds simply that where an administrative agency makes an important and far-reaching decision that is not clearly based on its statutory authority, it will bear a significant burden to prove that its interpretation was authorized by Congress”).

⁴⁰ Decision at 6, “Matter of: Office of Management and Budget—Withholding of Ukraine Security Assistance”, File: B-331564, U.S. Gov’t Accountability Office, Jan. 16, 2020 (quoting OMB Resp. at 9).

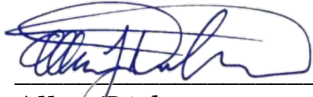
⁴¹ 52 U.S.C. § 30101(11) (emphasis supplied). This definition is essentially duplicated in FEC regulation, which defines person as “an individual, partnership, committee, association, corporation, labor organization, and any other organization, or group of persons, but does not include the Federal government or any authority of the Federal government.” 11 C.F.R. § 100.10.

⁴² Allowing otherwise would lead to absurdities, such converting a President’s request for a hostile foreign power to engage in peace negotiations to wind down an unpopular war, if conducted during an election year, becoming the illegal solicitation of a foreign national contribution.

CONCLUSION

The Federal Election Campaign Act, as interpreted by the courts, regulates with precision. There is no legal basis whatsoever for believing that Congress intended the FEC to police official acts of the government that may be intended to assist an officeholder's reelection. Many other legal authorities and law enforcement bodies are tasked with that charge. They do so pursuant to clear authority, and they enjoy budgets and resources appropriate to the task. The FEC does not, and to pretend otherwise is myopic self-promotion.

Accordingly, we voted that there was no reason-to-believe that the respondents knowingly solicited a contribution from a foreign national.



Allen Dickerson
Chairman

August 31, 2022

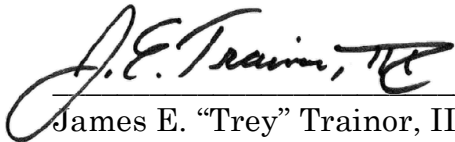
Date



Sean J. Cooksey
Commissioner

August 31, 2022

Date



James E. "Trey" Trainor, III
Commissioner

August 31, 2022

Date