




“establish actual coordination using the same standards applied to any other form of public communication.”<sup>5</sup>

The record before the Commission does not meet that standard. As OGC itself advised us in recommending that we decline to enforce against Ms. Greenfield’s campaign committee on the theory that it violated our garden-variety coordination rules, “the record contains no information that any direct or private communications were made between the Greenfield Committee and SMP.”<sup>6</sup> Therefore, we determined that “[w]ere the Commission to pursue enforcement on the theory that [SMP]’s non-coordinated republication of Committee materials was an in-kind contribution, it seem[ed]...highly probable that a reviewing court would simply invalidate § 109.23 as directly contradictory to FECA.”<sup>7</sup>

Accordingly, as we have done elsewhere,<sup>8</sup> we voted to dismiss the allegations against SMP pursuant to the Commission’s prosecutorial discretion.<sup>9</sup>




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Allen Dickerson  
Chairman

April 15, 2022

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Date




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James E. “Trey” Trainor, III  
Commissioner

April 15, 2022

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Date

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<sup>5</sup> *Id.* at 4.

<sup>6</sup> FGCR at 12.

<sup>7</sup> Statement of Reasons of Chairman Dickerson and Comm’r Trainor at 4, MUR 7781 (Fight for the Am. Dream PAC), April 11, 2022.

<sup>8</sup> *Id.*

<sup>9</sup> *Heckler v. Chaney*, 470 U.S. 821 (1985).