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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
True the Vote, Inc.	)	MUR 7894
Catherine Engelbrecht	)	
Georgia Republican Party, Inc. and	)	
Joseph Brannan in his official	)	
capacity as treasurer	)	
David Shafer	)	

STATEMENT OF REASONS OF CHAIRMAN ALLEN J. DICKERSON AND COMMISSIONER JAMES E. "TREY" TRAINOR, III

This Matter arose from a Complaint alleging that True the Vote ("TTV"), TTV's executive director Catherine Engelbrecht, the Georgia Republican Party and Joseph Brannan in his official capacity as treasurer ("Georgia GOP"), and Georgia GOP chairman David Shafer violated the Federal Election Campaign Act of 1971 ("FECA" or the "Act"). Specifically, the Complaint alleges that as a result of TTV's election integrity initiatives during the 2021 Georgia Senate runoff election, TTV made, and the Georgia GOP accepted, illegal corporate contributions.

I. FACTUAL BACKGROUND

TTV is a nonprofit organized under Internal Revenue Code § 501(c)(3) and describes itself as "the country's largest voters' rights organization and well known for our ability to lead unified national plans to protect election integrity."[1] According to Engelbrecht's declaration in this matter, TTV works "with other organizations to implement targeted election integrity initiatives to expose and deter election fraud."[2] "TTV does not have an interest in which candidates are elected, nor do they advocate for particular candidates. Instead, TTV focuses its efforts on free and fair elections for Republicans, Democrats, and everyone in between."[3]

[1] First General Counsel's Report ("FGCR") at 4.
[2] Engelbrecht Decl. ¶ 4.
[3] *Id.* at ¶ 5.

TTV pursued a suite of election integrity initiatives during the 2020 general election in various states and during the 2021 Georgia Senate runoff election.[4] "In support of these election integrity efforts in Georgia and across the nation, TTV engaged in a number of activities"—namely, it "ran a statewide election integrity hotline to support voters and election workers," "hosted election worker training and signature verification courses," and "provided the data and research to preemptively challenge potentially ineligible voters."[5] Engelbrecht states that "[a]ll of these activities were pursued in a non-partisan manner."[6]

The Georgia GOP is a state party committee of the Republican Party.[7] In December 2020, Engelbrecht met with the Georgia GOP, who "were also interested in election integrity."[8] The meeting attendees "discussed TTV's efforts promoting election integrity," and Engelbrecht "explained that TTV was already engaging in numerous election integrity efforts and that all of [TTV's] trainings and information were publicly available online."[9] After the meeting, TTV discussed its efforts in Georgia in a "Weekly Update" email, stating, "[w]e've met with voters and state leaders, leading ultimately to a request from the Georgia Republican Party to provide publicly available nonpartisan signature verification training, a 24x7 voter hotline, ballot-curing support, and more."[10]

TTV also issued a press release discussing a "partnership with the Georgia Republican Party to assist with the Senate runoff election process, including publicly available signature verification training, a statewide voter hotline, monitoring absentee ballot drop boxes, and other election integrity initiatives."[11] The press release quoted Engelbrecht as stating "we are thrilled to partner with the Georgia Republican Party, Chairman Shafer, and his team to ensure the law is upheld and law-abiding voters have their voices heard. True the Vote is already on the ground and proud to be serving Georgia voters with a laser focus on the effort to ensure a free, fair, and secure election for all Georgia voters irrespective of political party."[12]

---

[4] *Id.* at ¶¶ 6–7.
[5] *Id.* at ¶ 8.
[6] *Id.*
[7] Georgia Republican Party Inc., Statement of Organization, FEC Form 1 (Jul. 14, 2020), https://docquery.fec.gov/pdf/003/202007149244564003/202007149244564003.pdf (visited Aug. 15, 2022).
[8] Engelbrecht Decl. ¶ 9.
[9] *Id.* at ¶ 10.
[10] True the Vote, Weekly Update | Validate the Vote GA | 12.13.20 (Dec. 14, 2020, 12:26am), *available at* https://politicalemails.org/messages/318884 (visited Aug. 12, 2022); *see also* Engelbrecht Decl. ¶ 12.
[11] Press Release, True the Vote, True the Vote Partners With Georgia GOP to Ensure Transparent, Secure Ballot Effort for Senate Runoff Elections (Dec. 14, 2020), https://www.truethevote.org/true-the-vote-partners-with-georgia-gop-to-ensure-transparent-secure-ballot-effort-for-senate-runoff-elections/ (visited Aug. 12, 2022).
[12] *Id.*

The press release also quoted Georgia GOP Chairman Shafer as stating, "the resources of [TTV] will help us organize and implement the most comprehensive ballot security initiative in Georgia history."[13]

TTV also contacted the Democratic Party of Georgia "to offer [its] assistance to the Democratic Party of Georgia for the Senate runoff, including publicly available signature verification training, a statewide voter hotline, monitoring absentee ballot drop boxes, and other election integrity initiatives,"[14] but received no response.[15] TTV updated its press release to reflect that it had "reached out to both parties to offer assistance with critical election training and resources."[16]

Though not mentioned in the Complaint, OGC consulted Engelbrecht's declaration in a lawsuit filed against TTV in Texas federal court by a donor seeking a refund of his donation.[17] That declaration discusses TTV's work in states including Texas, Georgia, Pennsylvania, Nevada, Arizona, Michigan, and Wisconsin,[18] which included "help[ing] voter challenges of over 364,000 people in Georgia whose residence made them potentially ineligible to vote in the runoff election."[19]

Based on the foregoing, OGC recommended that the Commission find reason to believe that TTV made, Engelbrecht consented to the making of, and the Georgia GOP knowingly accepted prohibited in-kind corporate contributions.[20] OGC also recommended finding reason to believe that the Georgia GOP failed to report receipts and disbursements in connection with the alleged prohibited in-kind contributions.[21]

II. LEGAL FRAMEWORK

Under FECA, a "contribution" includes "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."[22] FECA defines "expenditure" in similar terms, as "any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any

---

[13] *Id.*
[14] Engelbrecht Decl. ¶ 22.
[15] *Id.* at ¶ 25.
[16] *Compare* https://web.archive.org/web/20201214222722/https:/truethevote.org/true-the-vote-partners-with-georgia-gop-to-ensure-transparent-secure-ballot-effort-for-senate-runoff-elections/ *with* https://web.archive.org/web/20210107214913/https:/truethevote.org/true-the-vote-partners-with-georgia-gop-to-ensure-transparent-secure-ballot-effort-for-senate-runoff-elections/.
[17] *See, e.g.*, FGCR at 7–8.
[18] Decl. of Catherine Engelbrecht, *Eshelman v. True the Vote,* No. 4:20-cv-0434, Dkt. 47-1 (S.D. Tex.).
[19] *Id.* at ¶ 24.
[20] FGCR at 22.
[21] *Id.*
[22] 52 U.S.C. § 30101(8)(A)(i).

election for Federal office."[23] "[E]xpenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee."[24] Expenditures made in this way are called "coordinated expenditures."[25]

Commission regulations provide that "the term anything of value includes all in-kind contributions," which include "the provision of any goods or services without charge or at a charge that is less than the usual and normal charge,"[26] and, as relevant here, coordinated expenditures.[27] FECA generally prohibits corporations from making contributions to federal political committees[28] except independent-expenditure-only and hybrid committees.[29] This corporate-contribution ban extends to coordinated expenditures.[30] Relatedly, committees and other persons may not knowingly accept,[31] and corporate officers and directors may not consent to,[32] such prohibited contributions.

III. ANALYSIS

The Commission is "[u]nique among federal administrative agencies" given its especially sensitive mission: its "sole purpose [is] the regulation of core constitutionally protected activity."[33] Accordingly, our authority is cabined both by the Act—which limits our jurisdiction to "contributions" and "expenditures"[34]—and by decades of jurisprudence narrowing that legislative grant. As we have often recognized, *Buckley v. Valeo*[35] dramatically limited FECA by imposing constitutional limits on our ability to enforce the Act's expenditure caps, independent-expenditure

---

[23] *Id.* § 30101(9)(A)(i).
[24] *Id.* § 30116(a)(7)(B)(ii).
[25] 11 C.F.R. § 109.20(a) (defining "coordinated" as "made in cooperation, consultation or concert with, or at the request or suggestion of . . . a political party committee.").
[26] *Id.* § 100.52(d)(1).
[27] *See id.* § 109.20(b) (providing that an expenditure that is coordinated but not made for a coordinated or party-coordinated communication "is either an in-kind contribution to, or a coordinated party expenditure with respect to, the candidate or political party committee with whom or with which it was coordinated").
[28] 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b).
[29] *See, e.g., SpeechNow.org v. Fed. Election Comm'n*, 599 F.3d 686 (D.C. Cir. 2010) (en banc); *Carey v. Fed. Election Comm'n*, 791 F. Supp. 2d 121 (D.D.C. 2011).
[30] 11 C.F.R. § 114.10(a) ("Corporations . . . are prohibited from making coordinated expenditures as defined in 11 C.F.R. § 109.20").
[31] 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(b), (d).
[32] 52 U.S.C. § 30118(a); 11 C.F.R. § 114.2(e).
[33] *Am. Fed'n of Labor & Cong. of Indus. Orgs. v. Fed. Election Comm'n*, 333 F.3d 168, 170 (D.C. Cir. 2003).
[34] 52 U.S.C. § 30101, *et seq.*
[35] 424 U.S. 1 (1976) (per curiam).

limits, and PAC-registration requirements, and landmark cases since have further restricted our discretion.[36]

Despite this limited authority, "as 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.'"[37] However well-intentioned such efforts may be, federal courts have carefully limited our jurisdiction as a matter of constitutional imperative. To respect those limits is to remain mindful that, to put it plainly, not everything that could impact an election is a potential FECA violation.

With this in mind, we turn to the question presented: whether TTV made coordinated expenditures resulting in prohibited in-kind contributions to the Georgia GOP. We first assess whether TTV's activities were undertaken "for the purpose of influencing any election for Federal office" such that they may be "expenditures" under the Act.[38] Second, we consider "coordination," *i.e.*, whether TTV's activities were "made in cooperation, consultation or concert with, or at the request of suggestion of"[39] the Georgia GOP. We answer both questions in the negative.

a. For the Purpose of Influencing an Election

TTV's activities during the 2021 Georgia Senate runoff election—offering publicly available signature verification training, operating a voter hotline, providing ballot-curing support, monitoring ballot drop boxes, and helping with voter challenges of people who were potentially ineligible to vote—were not "for the purpose of influencing an election," as defined by the Act, for at least two reasons.

First, state law compliance is categorically excluded from the Commission's enforcement jurisdiction. Our regulations are explicit that "[t]he Act does not

---

[36] *See, e.g.*, *Fed. Election Comm'n v. Nat'l Conservative Pol. Action Comm.*, 470 U.S. 480 (1985) (invalidating expenditure limits for independent PACs); *Fed. Election Comm'n v. Mass. Citizens for Life,* 479 U.S. 238 (1986) (invalidating corporate-expenditure prohibition for qualified nonprofits); *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010) (invalidating prohibition on corporate electioneering communications); *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185 (2014) (invalidating aggregate contribution limits). Many lower court orders also limit us. *See, e.g.*, *SpeechNow.org*, 599 F.3d at 696 (invalidating contribution limits for independent-expenditure-only groups); *Fed. Election Comm'n v. Swallow*, 304 F.Supp.3d 1113, 1118 (D. Utah 2018) (invalidating Commission regulation on aiding or abetting contributions as "exceeding [our] authority to write regulations and improperly intruding into the realm of law-making that is the exclusive province of Congress"); *Fed. Election Comm'n v. Christian Coal.*, 52 F. Supp.2d 45, 92–97 (D.D.C. 1999) (rescinding Commission enforcement action predicated on overly aggressive reading of FECA's coordination rules).
[37] Supp. Statement of Reasons of Vice Chair Dickerson at 2, MURs 7207/7268/7274/7623 (Russian Fed'n) (quoting Supp. Statement of Reasons of Vice Chair Dickerson & Commissioner Trainor at 2, MURs 7821/7827/7868 (Twitter, Inc.)).
[38] 52 U.S.C. § 30101(9)(A)(i).
[39] 11 C.F.R. § 109.20(a).

supersede State laws which provide for," among other things, "[v]oter registration" and the "[p]rohibition of false registration, voting fraud, theft of ballots, and similar offenses."[40] Because TTV's activities targeted compliance with valid Georgia laws governing signature-verification, ballot-curing, ballot drop boxes, and residence requirements, they fall squarely within this exemption. Accordingly, TTV's activities fall outside of the ambit of FECA. In other words, because Congress has declined to preempt the Georgia laws at the heart of TTV's activities, the Commission has no authority to police those activities.[41]

Second, under the Act and Supreme Court precedent, trying to influence how elections are administered, as a policy matter, is different from acting "for the purpose of influencing" a federal election. TTV's activities amount to the former and, therefore, fall outside our jurisdiction.

This foundational distinction goes back to *Buckley*, where the Court found the language "for the purpose of influencing any election for Federal office," in the "expenditure" definition unconstitutionally vague,[42] as it has the "potential for encompassing both issue discussion and advocacy of a political result."[43] *Buckley* also recognized that courts had given this same language "a narrow meaning" in the context of FECA's "contribution" definition in order "to alleviate various problems."[44] The Court noted, however, that the phrase "present[ed] fewer problems in connection with the definition of a contribution because of the limiting connotation created by the general understanding of what constitutes a political contribution," *i.e.*, "[f]unds provided to a candidate or political party or campaign committee either directly or

---

[40] *Id.* § 108.7(c)(3), (4).
[41] *See generally* U.S. CONST. art. 1, § 4, cl. 1; *compare, e.g.*, *Weber v. Heaney*, 995 F.2d 872, 873–76 (8th Cir. 1993) (FECA preempts state law targeted specifically to campaign expenditures by candidates for federal office) *with Priorities USA v. Nessel*, 978 F.3d 976, 983 (6th Cir. 2020) (Noting that a Commission regulation "specifies three kinds of state laws that are preempted" by FECA, all of which are "about campaign *finance*: the sources of funding and reporting on its collection and distribution. By *ejusdem generis*, the kind of state regulations contemplated as preempted likely do not include" other types of state laws governing the conduct of elections.) (emphasis original).
[42] 424 U.S. at 78 ("Congress . . . wished to promote full disclosure of campaign-oriented spending to insure both the reality and the appearance of the purity and openness of the federal election process. Our task is to construe 'for the purpose of . . . influencing,' incorporated . . . through the definitions of 'contributions' and 'expenditures,' in a manner that *precisely* furthers this goal.") (emphasis added). *See also*, *e.g.*, Statement of Reasons of Chairman Dickerson & Commissioners Cooksey & Trainor at 5–6, MURs 7645/7663/7705 (Donald J. Trump, *et al.*) (discussing *Buckley*'s narrowing construction of the phrase "for the purpose of influencing").
[43] *Buckley*, 424 U.S. at 79.
[44] *Id.* at 23, n.24 (citations omitted)

indirectly through an intermediary," or "dollars given to another person or organization that are earmarked for political purposes."[45]

TTV's activities reflect the sort of issue advocacy that is fundamental in our free society and is not subject to regulation under the Act. To be sure, there is broad and spirited debate about how elections are conducted in the United States. Advocacy in this area—like advocacy about guns, abortion, the environment, health care, national security, and countless other provocative issues—goes hand-in-hand with related activism. Under *Buckley*'s narrowing construction of the phrase "for the purpose of influencing," TTV's engagement around election integrity issues can be no less protected than any other organization's engagement around any other policy issue.

To illustrate, consider the ACLU, the League of Women Voters, the Institute for Justice, or the NAACP—just a few of the many organizations that advocate for various ideas, policies, or constituencies. These entities' core programmatic activities could, in practice, impact a federal election. For example, advocacy groups often seek policy change through strategic litigation, and in recent years, have sued to challenge mail-in ballot requirements,[46] congressional redistricting plans,[47] buffer zones around polling places,[48] and numerous other election-related laws and practices. *Buckley* itself, where the ACLU served as counsel, is an obvious example, and its result continues to impact federal elections to this day. FECA does not extend to this activity—and legal costs and institutional resources that issue organizations dedicate to it are not "expenditures" or "contributions" under the Act—even though successful litigation in this context unquestionably *could* influence a federal election.[49]

---

[45] *Id.* We further note that TTV's activities can only arguably be regarded as in-kind "contributions" if they were "coordinated" with the Georgia GOP. 52 U.S.C. § 30116(a)(7)(B)(ii). As explained *infra*, Part III(b), this is not satisfied here.

[46] *See, e.g.*, *Richardson v. Flores*, 28 F.4th 649 (5th Cir. 2022) (challenge to mail-in ballot signature-verification requirement where four advocacy organizations were plaintiffs and the nonprofit Texas Civil Rights Project was counsel); *Mi Familia Vota v. Abbott*, 977 F.3d 461 (5th Cir. 2020) (challenge to Covid-19 voting procedures where two advocacy groups were plaintiffs and nonprofit Free Speech for People was counsel).

[47] *See, e.g.*, *Abbott v. Perez*, 138 S. Ct. 2305 (2018) (challenge to redistricting plans by voters, legislators, and voting-rights organizations).

[48] *League of Women Voters of Fla. v. Lee*, No. 4:21-cv-186-MW/MAF, 2022 WL 969538, at *108 (N.D. Fla. Mar. 31, 2022) (finding that state law prohibiting "engaging in any activity with the intent to influence or effect of influencing a voter" in or within 150 feet of a polling place or ballot drop box violated League of Women Voters' First and Fourteenth Amendment rights), *stay granted sub nom.*, *League of Women Voters of Fla. v. Fla. Sec'y of State*, 32 F.4th 1363 (11th Cir. 2022).

[49] *See, e.g.*, Advisory Op. 2010-03 at 4 (Nat'l Democratic Redistricting Trust); Advisory Op. 1990-23 (Frost) (money raised and spent by entity other than political committee to pay legal expenses related to redistricting not contribution or expenditure); Advisory Op. 1983-37 (Mass. Democratic State Comm.) (money raised and spent by legal expense fund to pay for legal challenge to party ballot-access rules not contribution or expenditure); Advisory Op. 1983-30 (Joyner) (same, for costs of challenging state constitutional provision); Advisory Op. 1982-37 (Edwards) (same, for legal expenses in connection

The Commission discussed this principle in MUR 7024 (Van Hollen for Senate, *et al.*), which involved a Congressman and Senate candidate who made campaign finance "a centerpiece" of his "campaign rhetoric."[50] Van Hollen sued to challenge a Commission regulation, claiming an "interest in participating in elections untainted by expenditures from undisclosed sources," and also petitioned the Commission for a rulemaking.[51] Van Hollen received *pro bono* legal services in the lawsuit and rulemaking from Democracy 21 and Campaign Legal Center, and in the lawsuit from Wilmer Hale LLP.

To determine whether the services were contributions, the Commission stated that the "question under the Act is whether the legal services were provided for the purpose of influencing a federal election, not whether they provided a benefit to Van Hollen's campaign," and found no contribution given the absence of any indication that Democracy 21, Campaign Legal Center, or Wilmer Hale LLP acted for the purpose of influencing an election.[52] It also emphasized that, although the lawsuit or rulemaking petition could impact a federal election, "the effect on any particular candidate's election would be too indirect and attenuated to constitute a contribution."[53]

So too here. TTV's activities reflect core issue advocacy, and any impact on an election would, indeed, be too indirect and attenuated to fall within FECA's ambit. To conclude otherwise would establish a rule with no logical endpoint, unconstitutionally subjecting a broad swath of protected advocacy and civic participation to the specter of Commission enforcement action.

This is also consistent with the fact that "[t]he Commission has long considered activity engaged in for *bona fide* commercial reasons not to be 'for the purpose of influencing an election,' and thus, not a contribution or expenditure under section 30118(a). This is true even if a candidate benefitted from the commercial activity."[54] For example, in Advisory Opinion 2018-11 (Microsoft Corp.), the Commission concluded that Microsoft's proposal to offer a free account-security product to its "election-sensitive" customers for reasons including "to protect [Microsoft's] brand reputation" would not result in an in-kind contribution.[55] Similarly, in MUR 7832 (Twitter, Inc.), five Commissioners concluded that Twitter did not make an in-kind

---

with reapportionment); Advisory Op. 1982-35 (Hopfman) (same, for challenge to party ballot-access rule); Advisory Op. 1981-35 (Thomas) (same, for expenses related to reapportionment).

[50] Factual & Legal Analysis at 2, MUR 7024 (Van Hollen for Senate, *et al.*) (citation omitted).

[51] *Id.*

[52] *Id.* at 6.

[53] *Id.* at 5.

[54] Factual & Legal Analysis at 7, MUR 7870 (Google LLC, *et al.*) (citations omitted).

[55] Advisory Op. 2018-11 (Microsoft Corp.) at 4–5.

contribution to the primary and general election opponents of a congressional candidate by declining to "verify" that candidate's account but "verifying" the accounts of the candidate's opponents, since Twitter was acting for a commercial purpose, and not for the purpose of influencing an election.[56]

Because the record does not reflect that TTV acted for such purpose, and because state law compliance is outside our jurisdiction, we found no reason to believe that an expenditure occurred.

b. Coordination

We also found that TTV's alleged activity was not undertaken "in cooperation, consultation, or concert with, or at the request or suggestion of" the Georgia GOP. Consequently, no coordination occurred, foreclosing a finding of a coordinated expenditure resulting in an in-kind contribution to the Georgia GOP.[57]

The Commission will not presume coordination. Rather, it has consistently required a concrete and plausible factual basis for finding reason to believe that coordination has occurred. For example, the Commission made such a finding when an entity provided free campaign-strategy consulting services to congressional campaigns.[58] More recently, the Commission found reason to believe that AMI, a media company, made a coordinated expenditure when it purchased a potentially damaging story about then-candidate Donald J. Trump "'in cooperation, consultation or concert with, or at the request or suggestion' of [Michael] Cohen, whom AMI believed was an agent for the Trump Committee."[59] AMI specified that it purchased the story "to ensure that a woman did not publicize damaging allegations about [then-]candidate [Trump] before the 2016 presidential election and thereby influence that election."[60]

Two primary facts distinguish this case from those where we have found reason to believe that there has been a coordinated expenditure. First, TTV's election integrity initiatives were equally available to all comers—it not only met with the Georgia GOP and contacted the Democratic Party of Georgia to provide information about its initiatives, it also offered these services to the public, for free. Even more importantly, the record reflects that TTV was pursuing these initiatives—and would have continued to do so—*regardless* of Engelbrecht's meeting with the Georgia GOP.

---

[56] Statement of Reasons of Chair Broussard, Vice Chair Dickerson, & Commissioners Trainor, Walther, & Weintraub, MUR 7832 (Twitter, Inc.).
[57] 52 U.S.C. § 30116(a)(7)(B)(ii); 11 C.F.R. § 109.20(b).
[58] Factual & Legal Analysis at 32–33, MURs 4568/4633/4634 (Triad Mgmt. Servs., Inc.).
[59] Factual & Legal Analysis at 11, MURs 7324/7332/7366 (A360 Media, LLC f/k/a American Media, Inc., *et al.*) (citations omitted).
[60] *Id.* (quoting AMI's Non-Prosecution Agreement with the Department of Justice).

The reference to a "partnership" between TTV and the Georgia GOP—the linchpin of OGC's analysis on this point—does not change this result. That is because the record shows that the term "partnership", as used here, had a colloquial and not a legal significance. Moreover, nothing in the record indicates that TTV, in fact, undertook any of its activities "in cooperation, consultation, or concert with, or at the request or suggestion of" the Georgia GOP.

This situation is more akin to MUR 7119 (Donald J. Trump, *et al.*), where the Commission declined to find reason to believe that the Trump Committee coordinated with an independent-expenditure-only committee, ALFE, when "a person associated with the Trump Committee . . . attended and spoke at an ALFE event."[61] The Commission concluded that this "does not demonstrate impermissible 'coordination' between ALFE and the Trump Committee . . . for purposes of the Act."[62] After all, there is a difference between *communicating* with a regulated committee and *coordinating* within the meaning of the Act—a principle the Commission has also recognized in the coordinated-communication context.[63]

TTV undoubtedly communicated with the Georgia GOP about its election integrity initiatives. But, absent a credible indication that TTV acted for the purpose of influencing a federal election or coordinated with the Georgia GOP within the meaning of the Act, we found no reason to believe that (1) TTV and Engelbrecht violated 52 U.S.C. § 30118(a) and 11 C.F.R. § 114.2(b) and (e) by making and consenting to make prohibited corporate in-kind contributions; (2) the Georgia GOP violated 52 U.S.C. § 30118(a) and 11 C.F.R. § 114.2(d) by knowingly accepting prohibited corporate in-kind contributions; or (3) the Georgia GOP failed to report receiving contributions in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3.

---

[61] Factual & Legal Analysis at 5, MUR 7119 (Donald J. Trump, *et al.*).
[62] *Id.* (citing 11 C.F.R. § 109.20(a)).
[63] *See, e.g.*, Factual & Legal Analysis, MUR 7797 (Sara Gideon for Maine, *et al.*) (Finding no coordination when campaign staff of Sara Gideon, Senator Susan Collins' 2020 general-election challenger, tweeted "Voters across Maine should see and hear how Collins has taken money from drug and insurance companies and then voted their way instead of for Maine people. In Portland they should also see and hear how Collins has stood with Trump and McConnell instead of Maine people," and, shortly thereafter, an independent-expenditure-only PAC uploaded communications to YouTube and aired ads matching those themes); Statement of Reasons of Chairman Dickerson & Commissioners Cooksey, Trainor, & Weintraub, MUR 7700 (VoteVets, *et al.*) (declining to find reason to believe that a presidential campaign and a multicandidate hybrid PAC engaged in "coordination" under similar circumstances). *See also, e.g.*, 11 C.F.R. § 109.21(f) (establishing safe harbor, in the coordinated-communication context, for candidates' and political parties' responses to inquiries about their position on legislative or policy issues); Statement of Reasons of Chairman Dickerson & Commissioner Trainor, MUR 7510 (Katie Arrington for Congress, *et al.*) (discussing same.).

September 13, 2022
Date

Allen Dickerson
Chairman

September 13, 2022
Date

James E. "Trey" Trainor, III
Commissioner