

## EXHIBIT D

**Subject:** Freedom of Information Act Request to the Federal Election Commission (2022-014)  
**Date:** Friday, January 7, 2022 at 5:23:43 PM Eastern Standard Time  
**From:** FOIA  
**To:** Mike Bayes  
**CC:** Press  
**Attachments:** 2022-014 Bayes Responsive Records\_Redacted.pdf

VIA ELECTRONIC MAIL

Michael Bayes  
Holtzman Vogel Baran Torchinsky & Josefiak PLLC  
2300 N Street, NW, Ste 643-A  
Washington, DC 20037  
(202) 737-8808  
jmbayes@HoltzmanVogel.com

**Re: Your Freedom of Information Act Request to the Federal Election Commission (2022-014)**

Dear Mr. Bayes,

This email responds to the request you filed on behalf of Josh Hawley for Senate, and Salvatore Purpura, Treasurer, for information under the Freedom of Information Act (FOIA) received by the Federal Election Commission's (FEC) FOIA Requester Service Center on November 23, 2021. Specifically, you requested:

**Records of votes cast and Statements of Reason in MURs 7427, 7497, 7621, 7524, 7553, 7558, 7560, 7621, and 7654 and in *Giffords v. Federal Election Commission*, 1:19-cv-01192**

The FOIA Service Center has conducted a search and located documents responsive to your request.

Attached to this email is a six-page PDF containing records responsive to your request, portions of which have been redacted under FOIA Exemption 5, which protects from disclosure inter- or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency, including documents covered by the attorney work-product, deliberative process, and attorney-client privileges. *See* 5 U.S.C. § 552(b)(5).

We are also withholding 32 pages of responsive materials under FOIA Exemptions 3(A) and 5. FOIA Exemption 3(A) protects from disclosure information that is specifically exempted from disclosure by statute. *See* 5 U.S.C. § 552(b)(3)(A). Pursuant to the Federal Election Campaign Act, the FEC may not disclose information related to open enforcement matters. 52 U.S.C. § 30109(a)(12). This continues to apply to respondents in open matters who have not waived confidentiality pursuant to 52 U.S.C. § 30109(a)(12) and 11 C.F.R. § 111.21.

Accordingly, your request has been granted in part.

You may contact our FOIA Public Liaison, Christine McClarin, at (202) 694-1485 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Giffords v. FEC: (b) (5) ) Civ. No. 19-1192 (EGS) (D.D.C. filed  
(b) (5) ) April 24, 2019)  
) Agenda Document No. X19-17

CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on May 09, 2019, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-1 to:

Authorize the Office of General Counsel to defend the Commission in *Giffords v. FEC*, Civ. No. 19-1192 (EGS) (D.D.C. filed April 24, 2019).

Commissioners Hunter, Petersen, and Walther voted affirmatively for the motion.

Commissioner Weintraub dissented.

2. Decided by a vote of 4-0 to:

- a. Grant authority to the Office of General Counsel to defend this litigation (*Giffords v. FEC*, No. 19-cv-1192)(b) (5)

(b) (5)

Federal Election Commission

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Certification for Giffords v. FEC, Civ. No. 19-1192: (b) (5)

(b) (5)

May 9, 2019

(b) (5)

(b) (5)

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

5/10/19

Date



Laura E. Sinram  
Deputy Secretary of the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Civ. No. 19-1192 (EGS) (D.D.C. filed
Giffords v. FEC: Issues Related to	)	April 24, 2019)
Court's Orders of September 30, 2021	)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 04, 2021, the Commission decided by a vote of 5-0, (b) (5)

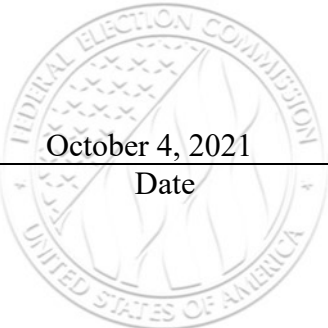
to:

1. Authorize the Office of General Counsel to comply with the Court's September 30, 2021 Minute Order in *Giffords v. FEC*, Civ. No. 19-1192 (EGS) (D.D.C. filed April 24, 2019).

(b) (5)

Commissioners Broussard, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision. Commissioner Cooksey recused himself with respect to this matter and did not vote.

Attest:



October 4, 2021  
Date

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Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) No. 19-1192 (EGS) (D.D.C. filed April  
Giffords v. FEC: Issues Related to the ) 24, 2019)  
Court's Orders of September 30, 2021 ) Agenda Document No. X21-30

CERTIFICATION

I, Vicktoria J. Allen, recording secretary for the Federal Election Commission executive session on October 26, 2021, do hereby certify that the Commission failed by a vote of 3-0 to not appeal the September 30, 2021 decision of the district court.

Commissioners Broussard, Walther, and Weintraub voted affirmatively for the motion. Commissioners Dickerson and Trainor abstained. Commissioner Cooksey was recused and did not vote.

Attest:

October 27, 2021

Date

Vicktoria J. Allen  
Acting Deputy Secretary of the Commission



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) No. 19-1192 (EGS) (D.D.C. September  
Giffords v. FEC: The District Court's ) 30, 2021)  
Minute Order Setting a Status ) Agenda Document No. X21-32  
Conference for November 1, 2021, and )  
Further Proceedings Before the District )  
Court )

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on October 26, 2021, the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 5-0 to:

Authorize the Office of General Counsel to comply with the Court's October 12, 2021 Minute Order in *Giffords v. FEC*, No. 19-1192 (EGS) (D.D.C. filed April 24, 2019) to participate in the November 1, 2021 status conference.

Commissioners Broussard, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision. Commissioner Cooksey was recused and did not vote.

(b) (5)

Federal Election Commission

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Certification for *Giffords v. FEC*, No.19-1192 (EGS) (D.D.C. filed September 30, 2021)

October 26, 2021

Attest:



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October 27, 2021

Date

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Vicktoria J. Allen  
Acting Deputy Secretary of the  
Commission



Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Chief FOIA Officer, Federal Election Commission, 1050 First St., N.E., Washington, DC 20463, or sending an e-mail to [foia@fec.gov](mailto:foia@fec.gov). Any such appeal should follow the guidelines set forth in the Commission's FOIA regulations at 11 C.F.R. § 4.8. Thank you for contacting the FEC.

Sincerely,

Steve N. Hajjar  
FOIA Service Center