

BEFORE THE FEDERAL ELECTION COMMISSION

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COMMISSION

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In the Matter of)
) MUR 6415
Kristi for Congress and Ted Husted, in)
his official capacity as treasurer; Kristi)
Lynn Noem)

CELA

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on November 15, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 2-4 to:
 - a. Find Reason to Believe that Respondent Kristi for Congress and Ted Husted, in his official capacity as treasurer, violated 2 U.S.C. § 441d and 11 CFR § 110.11 and to authorize the Office of General Counsel to conduct a limited investigation in order to determine the costs associated with the production and dissemination of the newspaper ad consisting of the dark forum that occupies the bottom 1/3 of the newspaper page and that did not contain the required disclaimer.
 - b. Authorize the Office of General Counsel to enter into pre-Probable Cause Conciliation with an opening civil penalty offer equal to 20 percent of the costs associated with the production and dissemination of the newspaper ad that did not contain the required disclaimer.

Commissioners Bauerly and Walther voted affirmatively for the motion. Commissioners Hunter, McGahn II, Petersen, and Weintraub dissented.

2. Failed on a vote of 1-5 to:
 - a. Dismiss the allegation that Respondent Kristi for Congress and Ted Husted, in his official capacity as treasurer, violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
 - b. Find no reason to believe that Respondent Kristi Lynn Noem violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
 - c. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated August 30, 2011.

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- d. Approve the appropriate letters and
- e. Close the file.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Bauerly, Hunter, McGahn II, Petersen, and Walther dissented.

3. Failed on a vote of 3-3 to:

- a. Find no reason to believe that the allegation that Respondent Kristi for Congress and Ted Hustead, in his official capacity as treasurer, violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
- b. Find no reason to believe that Respondent Kristi Lynn Noem violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11.
- c. Approve the appropriate letters.
- d. Close the file.

Commissioners Hunter, McGahn II, and Petersen voted affirmatively for the motion.

Commissioners Bauerly, Walther, and Weintraub dissented.

4. Decided by a vote of 6-0 to:

- a. Close the file.
- b. Send the appropriate letters.

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

Attest:

November 17, 2011
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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