

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 7627  
 NRCC and Keith A. Davis in his official )  
 capacity as treasurer; Balderson for )  
 Congress and Matthew J. Yuskewich in )  
 his official capacity as treasurer; Troy )  
 Balderson; Rodney for Congress and )  
 Thomas Datwyler in his official capacity )  
 as treasurer; Rodney Davis; Friends of )  
 Hagedorn and Thomas Datwyler in his )  
 official capacity as treasurer; James )  
 Hagedorn; Claudia Tenney for Congress )  
 and Cabell Hobbs in his official capacity )  
 as treasurer; Claudia Tenney )

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on September 28, 2021, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
  - a. Find reason to believe that the NRCC and Keith A. Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions in connection with the television ads “Progressive Plan” and “Their Candidate”.
  - b. Find reason to believe that Balderson for Congress and Matthew Yuskewich in his official capacity as treasurer violated 52 U.S.C. § 30118(f) by knowingly accepting an excessive in-kind contribution in connection with the television ad “Progressive Plan”.
  - c. Find reason to believe that Rodney for Congress and Thomas Datwyler in his official capacity as treasurer violated 52 U.S.C. § 30118(f) by knowingly accepting an excessive in-kind contribution in connection with the television ad “Their Candidate”.

- d. Take no action at this time against Troy Balderson.
- e. Take no action at this time against Rodney Davis.
- f. Find reason to believe that the NRCC and Keith A. Davis in his official capacity as treasurer violated 52 U.S.C. § 30116(a) by making excessive in-kind contributions in connection with the multicandidate television ads.
- g. Find reason to believe that Balderson for Congress and Matthew Yuskewich in his official capacity as treasurer, Troy Balderson, Claudia Tenney for Congress and Cabell Hobbs in his official capacity as treasurer, Claudia Tenney, Friends of Hagedorn and Thomas Datwyler in his official capacity as treasurer, and James Hagedorn violated 52 U.S.C. § 30118(f) by knowingly accepting excessive in-kind contributions in connection with the multicandidate television ads.
- h. Direct the Office of General Counsel to draft an appropriate Factual and Legal Analysis to support those reason to believe findings.
- i. Approve compulsory process.
- j. Close the file as to James Hagedorn and Claudia Tenney.
- k. Approve the appropriate letters.

Commissioners Broussard, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Dickerson, and Trainor dissented.

- 2. Failed by a vote of 3-3 to:
  - a. Dismiss the allegations pursuant to *Heckler v. Chaney*.
  - b. Close the file.
  - c. Issue appropriate letters.

Commissioners Cooksey, Dickerson, and Trainor voted affirmatively for the motion.

Commissioners Broussard, Walther, and Weintraub dissented.

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

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

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



September 30, 2021

Date

Attest:

Vicktoria Allen

Digitally signed by Vicktoria  
Allen  
Date: 2021.09.30 18:53:46 -04'00'

Vicktoria J. Allen  
Acting Deputy Secretary of the  
Commission