

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7038
 Bernie 2016 and Susan Jackson in her)
 official capacity as treasurer; Senator)
 Bernard Sanders; National Nurses United)
 for Patient Protection and Martha Kuhl in)
 her official capacity as treasurer;)
 Progressive Kick Independent)
 Expenditures and Joshua Grossman in his)
 official capacity as treasurer; People for)
 Bernie)

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 04, 2021, the Commission decided by a vote of 5-0 to take the following actions in MUR 7038:

1. Dismiss the allegations that Progressive Kick Independent Expenditures and Joshua Grossman in his official capacity as treasurer violated 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14(a) regarding the use of a candidate name and 52 U.S.C. § 30120(a) by failing to provide a disclaimer.
2. Dismiss the allegations that People for Bernie violated 52 U.S.C. § 30102(e)(4) and 11 C.F.R. § 102.14(a) regarding the use of a candidate name and 52 U.S.C. § 30120(a) by failing to provide a disclaimer.
3. Dismiss the allegation that National Nurses United for Patient Protection and Martha Kuhl in her official capacity as treasurer violated 52 U.S.C. § 30104(b) by failing to adequately disclose the payee of certain disbursements pursuant to the Commission's prosecutorial discretion under *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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4. Find no reason to believe that National Nurses United for Patient Protection and Martha Kuhl in her official capacity as treasurer violated 52 U.S.C. §§ 30116(a) and 30118(a) by making excessive and prohibited contributions in the form of coordinated communications.
5. Find no reason to believe that Progressive Kick Independent Expenditures and Joshua Grossman in his official capacity as treasurer violated 52 U.S.C. §§ 30116(a) and 30118(a) by making excessive and prohibited contributions in the form of coordinated communications.
6. Find no reason to believe that Senator Bernard Sanders violated 52 U.S.C. §§ 30116(f) and 30118(a) by accepting excessive and prohibited contributions in the form of coordinated communications.
7. Find no reason to believe that Bernie 2016 and Susan Jackson in her official capacity as treasurer violated 52 U.S.C. §§ 30116(f) and 30118(a) by accepting excessive and prohibited contributions in the form of coordinated communications.
8. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated November 19, 2019, subject to the edits circulated by Commissioner Cooksey's Office on behalf of Vice Chair Dickerson and Commissioners Cooksey and Trainor on May 14, 2021 at 12:00 p.m. and the additional edits circulated by Chair Broussard's Office on May 19, 2021 at 7:17 p.m.
9. Approve the appropriate letters.
10. Close the file.

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

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Attest:

Laura Sinram Digitally signed
by Laura Sinram
Date: 2021.06.04
15:26:57 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission