

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7147
Make America Number1 and Jacquelyn)
James in her official capacity as)
treasurer; Donald J. Trump for President,)
Inc. and Bradley T. Crate in his official)
capacity as treasurer; Rebuilding)
America Now and Ryan Call in his)
official capacity as treasurer; Stephen K.)
Bannon; and Kellyanne Conway)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on February 23, 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 Rebuilding America Now and Ryan Call in his official capacity as treasurer violated 52 U.S.C. §§ 30116(a), 30118(a), 30104(b) by making and failing to report an excessive and prohibited in-kind contribution in the form of republishing the Trump campaign logo in a digital and television advertisement.
 - b. Take no action at this time as to whether Rebuilding America Now and Ryan Call in his official capacity as treasurer made and failed to report excessive and prohibited in-kind contributions in the form of coordinated communications with Donald J. Trump for President, Inc. in violation of 52 U.S.C. §§ 30116(a), 30118(a), 30104(b).
 - c. Take no action at this time as to whether Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer received excessive and prohibited in-kind contribution in the form of coordinated communications or knowingly accepted and failed to

report in-kind contributions from Rebuilding America Now and Ryan Call in his official capacity as treasurer, in violation of 52 U.S.C. §§ 30116(f), 30118(a), 30104(b).

- d. Find reason to believe that Make America Number 1 and Jacquelyn James in her official capacity as treasurer violated 52 U.S.C. §§ 30116(a), 30118(a), 30104(b) by making and failing to report excessive and prohibited in-kind contributions in the form of coordinated coordinating communications or expenditures with Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer.
- e. Find reason to believe that Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer violated 52 U.S.C. §§ 30116(f), 30118(a), 30104(b) by receiving and failing to report excessive and prohibited in-kind contributions in the form of coordinated communications or expenditures with Make America Number 1 and Jacquelyn James in her official capacity as treasurer.
- f. Take no action at this time as to whether Make America Number 1 and Jacquelyn James in her official capacity as treasurer violated 52 U.S.C. §§ 30116(a), 30118(a), 30104(b) by making and failing to report excessive and prohibited in-kind contributions in the form of payments to vendors to Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer that were actually compensation for services rendered by Kellyanne Conway and Stephen K. Bannon to the Trump campaign.
- g. Take no action at this time as to whether Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as treasurer violated 52 U.S.C. §§ 30116(f), 30118(a), 30104(b) by accepting and failing to report an excessive and prohibited in-kind contribution from Make America Number 1 and Jacquelyn James in her official capacity as treasurer, in the form of payments to vendors that were actually compensation for services provided by Kellyanne Conway and Stephen K. Bannon.
- h. Approve the appropriate portions of the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated June 5, 2019.
- i. Direct the Office of General Counsel to draft corresponding Factual and Legal Analyses incorporating the supplemental complaints and responses, and appropriate letters.

- j. Authorize the use of compulsory process, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.
- 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 1-5 to:

- a. Take no action at this time as to whether Kellyanne Conway and Stephen K. Bannon violated 52 U.S.C § 30116(a) by making excessive contributions in the form of services rendered to the Trump campaign.
- b. Direct the Office of General Counsel to draft an appropriate Factual and Legal Analysis directed to Make America Number 1.

Commissioner Weintraub voted affirmatively for the motion. Commissioners Broussard, Cooksey, Dickerson, Trainor, and Walther dissented.

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

- a. Dismiss the allegations that Kellyanne Conway and Stephen K. Bannon violated 52 U.S.C. § 30116(a) by making excessive contributions in the form of services rendered to the Trump campaign.
- b. Direct the Office of General Counsel to draft corresponding Factual and Legal Analyses and the appropriate letters.
- c. Close the file as to Kellyanne Conway and Stephen K. Bannon.

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

4. Failed by vote of 3-3 to:

- a. Dismiss all remaining allegations against the respondents.
- b. Close the file.
- c. Issue appropriate letters.

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

Commissioners Broussard, Walther, and Weintraub dissented.

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

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

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

Commissioners Broussard, Walther, and Weintraub dissented.

Attest:



March 16, 2021

Date

Vicktoria Allen Digitally signed by Vicktoria Allen
Date: 2021.03.16 11:40:48 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission