

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 7982
 LUPE Votes; LUPE PAC and Daniel)
 Diaz in his official capacity as treasurer;)
 Michelle Vallejo for Congress and)
 Shayne Thoman in his official capacity)
 as treasurer)

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on October 17, 2023, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to:
 - a. Dismiss, with a caution, the allegation that LUPE PAC and Daniel Diaz in his official capacity as treasurer violated 52 U.S.C. § 30116(a) by making an excessive in-kind contribution.
 - b. Dismiss, with a caution, the allegation that Michelle Vallejo for Congress and Shayne Thoman in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by accepting an excessive in-kind contribution.

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

2. Decided by a vote of 6-0 to:
 - a. Find reason to believe that LUPE Votes violated 52 U.S.C. § 30104(g) and 11 C.F.R. § 104.4(b) and (c) for failing to timely file 24- and 48-Hour Reports of Independent Expenditures.
 - b. Find reason to believe that LUPE Votes violated 52 U.S.C. § 30120(a) and 11 C.F.R. § 110.11 by failing to include sufficient disclaimers on communications.

- c. Dismiss the allegation that LUPE PAC and Daniel Diaz in his official capacity as treasurer violated 52 U.S.C. § 30116(a) by making an excessive in-kind contribution.
- d. Dismiss the allegation that Michelle Vallejo for Congress and Shayne Thoman in his official capacity as treasurer violated 52 U.S.C. § 30116(f) by accepting an excessive in-kind contribution.
- e. Find no reason to believe that LUPE Votes and Michelle Vallejo for Congress and Shayne Thoman in his official capacity as treasurer violated 52 U.S.C. § 30118(a) by making and accepting prohibited in-kind contributions in the form of coordinated communications.
- f. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated March 21, 2023, subject to the edits circulated by Vice Chairman Cooksey's Office on August 22, 2023 at 2:35 p.m.
- g. Enter into conciliation with LUPE Votes prior to a finding of probable cause to believe.
- h. Approve the conciliation agreement with LUPE Votes, as recommended in the First General Counsel's Report dated March 21, 2023.
- i. Close the file as to LUPE PAC and Daniel Diaz in his official capacity as treasurer and Michelle Vallejo for Congress and Shayne Thoman in his official capacity as treasurer.
- j. Approve the appropriate letters.

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



Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J
 Allen
 Date: 2023.10.18 13:24:09
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Vicktoria J. Allen
 Deputy Secretary of the Commission